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DOCUMENTS
OF THE
SENATE

OF THE
STATE OF NEW YORK.

ONE HUNDRED AND THIRTY-THIRD SESSION.

1910.

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J. B. LYON COMPANY, PRINTERS

1910

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STATE OF NEW YORK

FIRST ANNUAL REPORT

OF THE

Board of Managers

OF

LETCHWORTH VILLAGE

TRANSMITTED TO THE LEGISLATURE JANUARY 26, 1910

ALBANY

J. B. LYON COMPANY, PRINTERS

1910

STATE OF NEW YORK

No. 20.

IN SENATE,

JANUARY 26, 1910

FIRST ANNUAL REPORT OF THE BOARD OF MANAGERS OF LETCHWORTH VILLAGE

STATE OF NEW YORK

55 WALL STREET, ROOM 215

JANUARY 25, 1910

*To the Honorable, HORACE WHITE, Lieutenant-Governor and
President of the Senate:*

SIR. — I beg herewith to transmit to the Legislature the first annual report of the Board of Managers of Letchworth Village, in accordance with the provisions of the State Charities Law.

Respectfully yours,

FRANK A. VANDERLIP

President

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OFFICERS

FRANK A. VANDERLIP.....President
FRANKLIN B. KIRKBRIDE.....Secretary
LEOPOLD SONDHEIMTreasurer

Board of Managers

L. PIERCE CLARK, M. D.....New York, N. Y.
THOMAS J. COLTON.....New York, N. Y.
FRANKLIN B. KIRKBRIDE.....New York, N. Y.
MISS CASSITY E. MASON.....Tarrytown, N. Y.
LEOPOLD SONDHEIMNew York, N. Y.
MISS MARION R. TABER.....New York, N. Y.
FRANK A. VANDERLIP.....Scarboro, N. Y.

Office of the Board of Managers, 55 Wall street, room 215, New
York city.

Wm. Litchworth



FIRST ANNUAL REPORT OF THE BOARD OF MANAGERS OF LETCHWORTH VILLAGE

To the Honorable, the Legislature of the State of New York:

In accordance with the provisions of the act organizing Letchworth Village, the undersigned managers submit their first annual report.

The Commission appointed by Governor Hughes to select a site for the Eastern New York State Custodial Asylum, now Letchworth Village, and the members of the Board of Managers appointed by the Governor on June 25, 1909, met at the site on September 11, 1909. The Site Commission, having completed its work, held its final meeting and then adjourned *sine die*.

The Board of Managers was organized by the election of Frank A. Vanderlip, President; Franklin B. Kirkbride, Secretary; and Leopold Sondheim, Treasurer.

Honorable William R. Stewart, Chairman of the Site Commission, formally transferred the property to the Board of Managers. President Vanderlip received it on behalf of the Board.

Attention should be called to the successful completion of the work of the Site Commission. In two years this Commission made the investigations required by the act under which it was appointed, presented two carefully prepared reports to the Legislatures of 1908 and 1909 respectively, selected and obtained options on a site, secured the necessary appropriations, completed the required surveys, took title to all but one small parcel of the 33 tracts included in the site, and prepared a plan of development for the village. The cost to the State of this unpaid Commission, exclusive of the appropriations for the purchase of land, was \$9,118.39. This includes \$1,500 for searches and title insurance, and \$4,210.25 for surveys. To the ability and conscientiousness of Mr. Alfred Hall, of Suffern, New York, the agent of the Site

Commission, is largely due the noteworthy fact that in no case was it necessary to institute condemnation proceedings.

In accordance with authority obtained through the opinion of the Attorney-General, until the village is opened for the reception of patients, the meetings of the Board of Managers will be held at 55 Wall street, New York city; where the President has provided an office for the use of the Board.

The Board has received from Honorable William Pryor Letchworth an oil portrait of himself. It is especially gratifying to acknowledge this first gift to Letchworth Village, coming as it does from the man whose honored name the village bears. The portrait will hang in the office of the Board until there is a fire-proof building at the village in which it can be placed.‡

The necessity for the establishment of Letchworth Village and the reason for the State government's commitment to the large expenditure which its construction and development entail, is clearly shown by the accompanying diagram.* The wisdom of State custodial care of defectives is shown by the single case of a defective family reported by Dr. Henry H. Goddard of the Vineland Training School, and reprinted in the appendix.†

The establishment by the State, or through private endowment, of a laboratory for the study of the causes of arrested and abnormal development, is greatly to be desired.

The clinical value of such a custodial institution as Letchworth Village is little understood at present, but nowhere can the causes of degeneracy and the methods of prevention be studied better than in connection with the large population of defectives which is to be collected there.

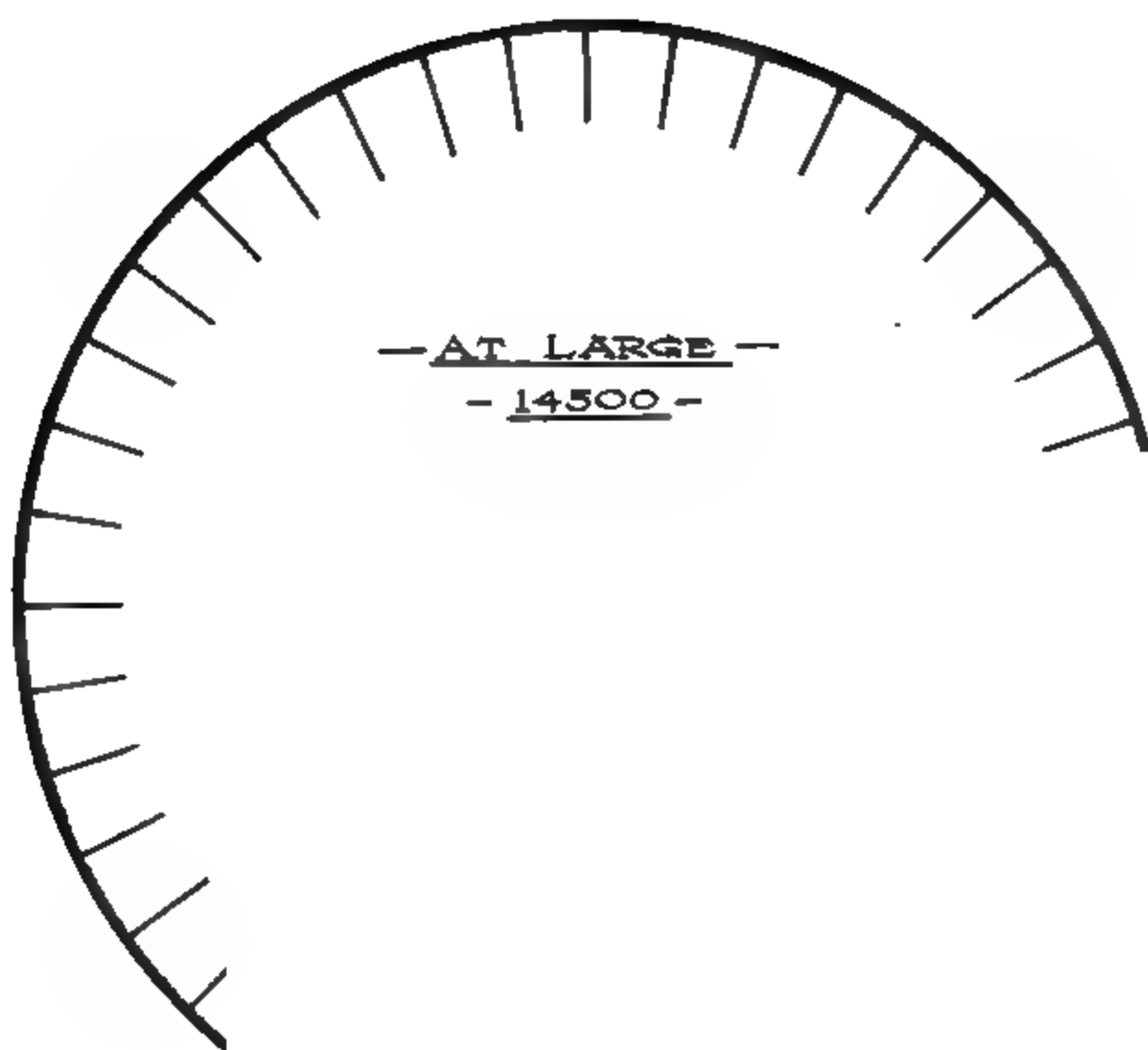
LAND

Parcel No. 30, containing some thirteen acres included in the water supply tract and known as the Bedford pond property, will shortly be acquired in accordance with the terms of an agreement by which the owners are to transfer their entire holding of some fifty acres, more or less, to the State for the sum of \$1,000. As there is but \$538.84 available for this purpose, the Legislature

‡ See Appendix V.

* See also First Report of Site Commission, page 16.

† See Appendix V.



ESTIMATED NUMBER OF
FEEBLE-MINDED AND EPILEPTIC IN
NEW YORK STATE
1908



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is requested to reappropriate the difference, \$461.18, from the unexpended balance of the appropriation heretofore made for the expenses of the Site Commission.

The Peterson farm, containing about thirty-six acres, should be secured to complete the northern boundary of the main site. This farm is the only one in the valley, forming the main site, which is not owned by the State. It affords excellent locations for buildings and overlooks most of the main site. It is recommended that \$6,300 be appropriated for its purchase.

SPUR TRACK

A tentative agreement has been made with the Erie Railroad Company to construct the spur track at actual cost and within the amount of the appropriation, making no charge for supervision nor for engineering expenses. Under these circumstances, and as the railroad company is unwilling to bid on the work, it is recommended that an act be passed authorizing the construction of the spur track in accordance with the terms of the above agreement.

ALTERATIONS

In order to make provision for the care of the property it is advisable that three farm groups should be prepared at once for the reception of fifty patients each. This will provide accommodations for 150 feeble-minded men, competent for physical service, who can be employed in caring for the property and working on the farms. The State Architect estimates that the cost of repairs and alterations to existing buildings, and of the construction of the necessary dormitories, etc., in connection with these farm groups, will be \$45,000. It is advisable that repairs should be made by day-labor, and it is therefore suggested that authority be given for making them in this way. The sum of \$10,000, appropriated at the last session of the Legislature, is available for this purpose, and an additional appropriation of \$35,000 is therefore recommended.

NEW BUILDINGS

The construction of the institution should cover a period of about five years, approximately one-fifth of the cost being appro-

priated each year, beginning with 1910, in order to permit of letting contracts sufficiently large to obtain the most favorable prices. The State Architect's estimate of the total cost of construction spread over a period of five years is given in the appendix.*

CONCLUSION

The Board of Managers realizes that Letchworth Village is a part of the State's comprehensive system of care for its defective wards, and that the rapidity of the development must depend on the condition of the State treasury.

They consider it their duty to see that the greatest economy and the wisest business methods are employed. They believe that, while all materials should be of the best quality in construction of a permanent nature, large and costly buildings are not advisable. They are also of opinion that it is essential to secure the best expert advice on all technical matters relating to the construction and development of the Village, and preeminently essential to select as superintendent the most efficient administrator who can be found. Adequate compensation must be provided for the services of such a superintendent, for on his technical knowledge, training, and experience will hinge the solution of many problems effecting the economic management and future efficiency of Letchworth Village.

Respectfully submitted,

FRANK A. VANDERLIP
FRANKLIN B. KIRKBRIDE
LEOPOLD SONDHEIM
L. PIERCE CLARK, M. D.
THOMAS J. COLTON
CASSITY E. MASON
MARION R. TABER

* See Appendix III.

APPENDIX I

Laws of 1909, Chapter 446

AN ACT to provide for the management of the Eastern New York State Custodial Asylum, to be known hereafter as the "Letchworth Village," and for the admission and control of inmates therein.

Section 1. The Eastern New York State Custodial Asylum, established by chapter three hundred and thirty-one of the laws of nineteen hundred and seven, as amended by chapter two hundred and ninety-two of the laws of nineteen hundred and eight, is hereby continued by the name and title of "Letchworth Village," in honor of William Pryor Letchworth of Portage, New York, whose efficient public services in behalf of the feeble-minded, epileptic and other dependent unfortunates the state desires to commemorate.

§ 2. Appointment and terms of managers.—The Letchworth Village shall be under the control of a board of seven managers, to be appointed by the governor by and with the advice and consent of the senate. All such members shall be residents of this state. The terms of the managers appointed after the first seven shall be seven years, except that managers appointed to fill vacancies shall hold office for the unexpired terms of the managers whom they succeed. The term of office of one such manager shall expire on the first Tuesday in February in each year, and in the appointment of the first members of the board the governor shall designate one to serve one year, one to serve two years, one to serve three years, one to serve four years, one to serve five years, one to serve six years, and one to serve seven years. The governor may remove any manager at any time for cause, on giving to such manager an opportunity to be heard. Such managers shall receive no compensation for their time or services, but the actual expenses necessarily incurred by them in the performance of their duties

shall be paid in the same manner as the other expenses of the village.

§ 3. General powers and duties of the managers.—The board of managers shall:

1. Have the general superintendence, management and control of the institution over which it is appointed, of the grounds and buildings, officers and employees thereof, of the inmates therein, and of all matters relating to the government and discipline, and shall make such rules and regulations as may seem to it necessary for carrying out the purposes of such institution.

2. Maintain an effective inspection of the affairs and management of the village, for which purpose the board shall meet once in every month at the institution, and at such other times as may be prescribed in the by-laws, but the annual meeting of the board shall be held on the second Wednesday of October.

3. Keep in a book provided for that purpose a full and fair record of its doings which shall be open at all times for the inspection of the members and officers of the state board of charities, the fiscal supervisor of state charities or any person or persons appointed by the governor or either branch of the legislature to examine the same, and shall forward monthly minutes of the meetings of the board and reports of its inspections, to the governor, the state board of charities and the fiscal supervisor, such reports to be signed by the managers present at the meetings.

4. Appoint from among its members a president, secretary and treasurer. The board shall also appoint a superintendent who shall hold office during the pleasure of the board, residing at the institution, and shall, subject to the provisions of the state finance law and the appropriations made annually by the legislature, fix the compensation of the officers and employees of the institution.

§ 4. Annual report.—The board of managers shall make to the legislature in January of each year a detailed report with suitable suggestions and such other matter as may be required of them for the year ending on the thirtieth day of September preceding the date of such report.

§ 5. Temporary care of grounds and buildings.—Until the appointment of the managers in accordance with the provisions of this act, the commission appointed by the governor to select

a site for the Eastern New York State Custodial Asylum under the provisions of chapter three hundred and thirty-one of the laws of nineteen hundred and seven, as amended by chapter two hundred and ninety-two of the laws of nineteen hundred and eight, shall be continued as a commission to care for and improve the lands, buildings and other properties of the Letchworth Village, and shall exercise to this extent all the powers of the board of managers for the purpose of preserving, protecting and developing the property and making the necessary arrangements for the opening of the institution at the earliest possible date.

§ 6. **Transfer of functions.**—Upon the appointment and organization of the board of managers provided for by section two of this act, the powers vested in the commission appointed to select the site in accordance with the provisions of said chapter three hundred and thirty-one of the laws of nineteen hundred and seven, as amended by chapter two hundred and ninety-two of the laws of nineteen hundred and eight, shall cease and determine, and the further work contemplated in such chapters three hundred and thirty-one of the laws of nineteen hundred and seven and two hundred and ninety-two of the laws of nineteen hundred and eight, shall be performed by the board of managers provided for herein, and the said board of managers shall exercise all the powers conferred upon such commission in accordance with the terms of said acts.

§ 7. **Buildings and improvements.**—The board of managers of the Letchworth Village are authorized, empowered and required to proceed with the construction and equipment of all necessary and suitable buildings, including the heating, lighting, plumbing, laundry fixtures, and water supply, and of the sewage disposal plant therefor, as soon as appropriations are made for such purposes by the legislature, but the plans for all such buildings and improvements shall be made by the state architect and the contracts for the erection of the said buildings and improvements shall be subject to the provisions of section forty-nine of the state charities law, constituting chapter fifty-seven of the laws of nineteen hundred and nine. The board of managers shall put the buildings and grounds of the village into proper condition for the reception of patients as rapidly as possible and

shall utilize such of the existing buildings as it may deem suitable for the reception of inmates, and employ such inmates in work suited to their physical and mental condition so far as in the judgment of said board the same shall be feasible.

§ 8. **General powers of the superintendent.**— The superintendent shall be the chief executive officer of the Letchworth Village and, subject to the by-laws, rules and regulations thereof and powers of the board of managers, shall:

1. Have control of the internal affairs and shall maintain discipline therein and enforce compliance with and obedience to all rules, by-laws, regulations and ordinances adopted by the said board of managers for the government, discipline and management of said Letchworth Village.

2. Have the general supervision and control of the grounds and buildings of the village and subordinate officers and employees and the inmates thereof and of all matters related to their government and discipline.

3. Make such additional rules, regulations and orders, not inconsistent with law, or with the rules, regulations or directions of the board of managers of the village as may seem necessary and proper for the government of such institution and its officers and employees and for the employment, discipline and training of the inmates.

4. Appoint, with the approval of the board of managers, the officers, assistants and employees not otherwise provided for herein, that may be necessary for the economical and efficient management of the Letchworth Village; subject to the approval of the board of managers he shall prescribe their duties and may discharge them at his discretion.

5. Cause full and fair accounts and records of all his doings, and of the business and operation of the village to be kept regularly from time to time in books or on forms provided for that purpose.

6. See that all such accounts and records are properly made up for the annual report to the legislature as required by this act, and present the same to the board of managers, which shall incorporate them into its report to the legislature.

7. Under direction of the managers receive and take into such

village all persons legally committed thereto by poor law officers having authority to make such commitments, and cause to be entered in a register kept for the purpose at the time of the commitment and reception of an inmate, the name, age, residence, and such other facts as may be ascertained relative to the origin, condition, peculiarity, or inherited tendencies of such person, and thereafter from time to time add such other information as shall be obtained, so that the register may show as far as possible a complete history of such inmate.

8. On or before the fifth day of each month transmit to the state board of charities a duplicate of the record of commitment and admission of each inmate received into the village and thereafter forward to said state board of charities notice of the discharge, escape, transfer or death of such inmate on or before the fifth day of the month following such discharge, escape, transfer or death.

9. Have power, subject to the supervision and control of the board of managers in the case of the death of any inmate at the village who shall have been maintained therein wholly at public expense, to make or cause to be made at the said Letchworth Village by a member or members of its medical staff, an autopsy on the body of such patient, provided that such autopsy be made not later than twelve hours after the death of such patient, and in such manner as will cause the least possible mutilation, and provided also that the said Letchworth Village shall print conspicuously upon all application blanks used in the admission of patients to the institution the fact that the officers of said Letchworth Village have the above-stated powers in relation to the making of autopsies.

§ 9. Admission of inmates.— There shall be received and gratuitously supported in the Letchworth Village, epileptics and feeble-minded persons needing custodial care, upon the application and commitment of the county superintendents of the poor, commissioners of public charities, or other officers authorized by law to make commitments to existing state institutions for the maintenance of epileptic and feeble-minded persons. The said village shall also receive such epileptic and feeble-minded inmates of existing state charitable institutions, and such other epileptic

and feeble-minded persons supported at public expense and needing custodial care, except those who are insane, who shall be transferred to said Letchworth Village in accordance with the provisions of law.

§ 10. **Discharge of inmates.**— The superintendent of the village, with the approval of the managers, or any committee thereof duly empowered to act for the board, shall have the power to discharge inmates sent to the village, through mistaken diagnosis, or for other proper causes, provided that such discharge shall be to the superintendent of the poor, commissioner of public charities or other officer through whose application the inmate was received into the village, and provided further, that should any inmate become insane, such inmate shall be sent to the nearest state hospital of the district of which he was a resident prior to his commitment to the village, in the manner prescribed by law, and provided further, that when any patient has been delivered to the county superintendent of the poor, commissioner of public charities or to the managers or officers of a state hospital or institution, the care and custody of the managers of the Letchworth Village over such inmate shall cease.

§ 11. **Notice of opening of the village.**— When the Letchworth Village shall be ready for the reception of inmates it shall be the duty of the board of managers to send official notice of such fact to the county clerks and the clerks of the boards of supervisors of the respective counties of the state, and to the secretary of the state board of charities, and to the fiscal supervisor, and also to furnish such clerks of counties and clerks of boards of supervisors with suitable blanks for the commitment of inmates to said village.

§ 12. This act shall take effect immediately.

APPENDIX II

Letchworth Village

NEW YORK STATE'S NEW COLONY FOR DEFECTIVES

History

1907

Governor Hughes appointed William R. Stewart, Franklin B. Kirkbride and Alexander C. Proudfit a Commission to ascertain the number of defectives needing custodial care and to select a site in accordance with the provisions of chapter 331, Laws of 1907.

1908

The Commission reported to the Legislature the urgent need for the new institution and recommended the purchase of a site in Rockland county. The money for this purpose was appropriated by the Legislature.

1909

The property was acquired by the State. The Allds bill providing for the management of the institution, and naming it "Letchworth Village" in honor of William Pryor Letchworth, became a law. A Board of Managers was appointed by the Governor, to which the Site Commission turned over the property.

Location of Site

Thiells P. O. Rockland county. Three miles west of the Hudson river and the town of Haverstraw.

Size of Site

The main site consists of 1,300 acres, with 700 acres of mountain land adjoining, to protect the watershed of the middle branch

of Minisceongo creek and to provide a permanent supply of cord wood for use in brick making.

Description of Site

The site comprises a plateau of rolling farm country protected by high hills on the north and west, and on the east is cut off by a large stream and a deep declivity to the lower level of Thiells P. O., from the land beyond in the valley of the Hudson river.

About 750 acres are now under cultivation. There is a large deposit of brick clay on the tract, one gravel pit, fifteen orchards and two ice ponds.

There are fourteen houses, eight cottages, twenty barns, granaries, wagon houses, etc. A number of these buildings can be used for officers, patients and farm purposes.

Water Supply

Water will be secured by gravity from Minisceongo creek. This gravity source of water supply adds greatly to the value of the site. The water is pure and soft.

Drainage

Will be by the latest scientific methods approved by the State Board of Health.

Accessibility

The site is 22 miles north of New York city and is 37 miles from the battery. A branch of the Erie runs through one edge of the site. Thiells Station (on the Erie) adjoins the site. The site can be reached by carriage from West Haverstraw Station on the West Shore (2½ miles) and from Haverstraw Landing. There is a ferry from Haverstraw to Crugers on the east shore. The site is 108 miles south of Albany.

Freight

Freight rates are very favorable. The average freight rate per thousand tons on general merchandise to Thiells from Jersey City is \$168 less than to Iona Island (the site of the new State prison) from Jersey City. The site at Thiells receives still more favor-

able rates on coal (anthracite) from the mine, as the dealers' price for coal "on siding" at the Thiells site is \$200 less than the most favorable price at Iona Island, which price is by water "along-side wharf" and does not include discharge of barge.

Passengers

Round trip tickets from New York city to West Haverstraw (West Shore) \$1, same to Thiells (Erie) \$1.20, same to Haverstraw Landing (by water) 60 cents. "The Lowell," the steamer of the Department of Public Charities of New York city, will take patients from New York city and their friends to Haverstraw Landing.

Cost of Site

The cost of the site was \$197,528.41, or at the rate of \$99 per acre.

Necessity for a Large Site

Out-of-door life and labor are essential in the care and treatment of the epileptic and feeble-minded. Agricultural pursuits are best suited to such cases. About 40 per cent of the inmates of the new colony will be capable of doing more or less labor and and thus helping contribute to their support.

As this institution will receive both epileptic and feeble-minded cases, a large site is essential in order to separate the sexes and the various types of cases. It will ultimately care for 2,500 patients.

Scope

Letchworth Village is "for the custodial care of epileptics of unsound mind, exclusive of insane epileptics, and for the custodial care of other feeble-minded persons, including such as are in State charitable institutions or are supported at public expense and require custodial care."

Plan of Development

Preliminary improvements.—Alterations and improvements to existing buildings. Construction of spur track, construction of dam and water supply system, construction of sewers and sewage disposal plant, construction of roads and of brick-making plant.

Construction of new buildings.—Administration buildings, farm and dairy buildings, buildings for officers and employees, buildings for patients. The most essential buildings of each class will be erected first.

Care of Patients

Small groups of buildings, considerable distances apart, will provide the means of segregating and classifying the different types of patients. The village will be a country community. Large and costly buildings are not desirable. Buildings will be of moderate size and simple construction.

Opening of the Village

The board of managers is required to proceed with the construction and equipment of the village as soon as appropriations are made by the Legislature and to utilize such of the existing buildings as are suitable for the reception of inmates. As required by law due notice will be given of the opening of the village.

APPENDIX III

STATE OF NEW YORK

OFFICE OF STATE ARCHITECT
ALBANY, *January 5, 1910*

BOARD OF MANAGERS, LETCHWORTH VILLAGE, *F. B. Kirkbride,*
Secretary, 55 Wall Street, New York City:

Dear Sir:—In compliance with your request, I have revised the estimates made last year for buildings and improvements on the site at Thiells, and submit the same herewith.

The estimate submitted last year was based upon an institution with a total inmate capacity of 2,750. The revised plans provide for an institution with an inmate capacity of 2,600 the total cost of which will be \$2,465,000.

I have tabulated the cost of the various improvements, structures, etc., and have spread the cost of the work over a period of five years, in order that appropriations may be obtained on that basis, if desired.

I would recommend that an appropriation of not less than \$10,000 be made for the purpose of allowing me, with the approval of the board of managers, to obtain such expert advice regarding landscape gardening, sewage disposal, water supply, etc., as may seem advisable.

Respectfully submitted,

FRANKLIN B. WARE

State Architect

APPENDIX III.

ITEMS.	No.	APPROPRIATIONS.							Capacity.
		1908.	1910.	1911.	1912.	1913.	1914.	Total.	
Alterations a.	6	\$10,000	\$35,000	\$45,000	.....	.....	.....	\$90,000	300
.....	.....	20,000	.....	.....	.....	.....	.....	20,000	.....
.....	.....	.....	109,000	.....	.....	.....	.....	109,000	.....
.....	.....	.....	25,000	.....	.....	.....	.....	43,000	.....
c. ....	.....	.....	.....	12,500	\$5,500	.....	\$5,000	20,000	.....
.....	.....	.....	.....	10,000	5,000	.....	.....	6,000	.....
.....	.....	.....	.....	6,000	.....	.....	.....	103,000	.....
.....	1	.....	75,000	.....	28,000	.....	.....	45,000	.....
old storage.	1	.....	45,000	.....	.....	.....	.....	1,000,000	1,800
.....	20	.....	.....	250,000	250,000	\$250,000	250,000	50,000	.....
.....	1	.....	45,000	.....	5,000	.....	.....	300,000	400
roups f.	2	.....	150,000	.....	.....	150,000	.....	25,000	.....
.....	1	.....	.....	.....	.....	.....	25,000	20,000	.....
.....	1	.....	.....	.....	20,000	.....	.....	20,000	.....
.....	1	.....	.....	.....	30,000	.....	20,000	60,000	.....
.....	2	.....	.....	20,000	20,000	20,000	20,000	80,000	.....
.....	4	.....	.....	.....	15,000	.....	.....	15,000	.....
.....	1	.....	.....	10,000	.....	.....	.....	10,000	.....
.....	1	.....	10,000	.....	.....	.....	.....	10,000	.....
.....	1	.....	.....	15,000	.....	.....	8,000	15,000	.....
.....	1	.....	15,000	.....	.....	.....	.....	15,000	.....
.....	1	.....	.....	.....	.....	.....	.....	9,000	.....
.....	1	.....	10,000	9,000	.....	.....	.....	20,000	.....
.....	2	.....	.....	10,000	.....	.....	.....	30,000	.....
.....	10	.....	.....	15,000	15,000	.....	.....	35,000	.....
.....	10	.....	15,000	17,500	17,500	45,000	30,000	150,000	.....
and transformers... ..	10	.....	5,000	30,000	30,000	.....	5,000	20,000	.....
.....	.....	.....	.....	5,000	5,000	.....	.....	20,000	.....
.....	1	.....	.....	.....	.....	.....	20,000	6,000	100
.....	1	.....	.....	30,000	20,000	10,000	6,000	100,000	.....
f. ....	.....	.....	30,000	6,000	.....	.....	10,000	6,000	.....
.....	3	.....	.....	.....	.....	.....	.....	8,000	.....
.....	2	.....	4,000	.....	.....	.....	4,000	.....	.....
Totals .....	.....	\$30,000	\$573,000	\$491,500	\$466,500	\$475,000	\$433,000	\$2,465,000	2,800

a 8 farm groups of 50 each. Burger, Coe, N. Rose, Pensaud, Smith. b 16 dormitories at \$37,500 and 8 at \$50,000. c Sewage system. \$15,000 for sewers and \$15,000 for disposal plant of 3 units. d 3 1/2 miles for new road and coal pockets \$50,000. Equipment \$53,000. f 2 hospitals of 50 beds each — 100. 4 infirmaries of 75 beds each — 300. g

APPENDIX IV

Schedule of Appropriations

Item	Amount appropriated	Amount spent	Sept. 30, 1909. Balance
Chapter 331, Laws 1907:			
Expenses	\$1,000 00	\$1,000 00	_____
Chapter 292, Laws 1908:			
Land	188,575 00	188,575 00	_____
Chapter 466, Laws 1908:			
Expenses	3,000 00	3,000 00	_____
Chapter 433, Laws 1909:			
Expenses	6,000 00	3,618 39	2,381 61
Land	8,442 25	7,903 41	538 84
Title insurance .	1,500 00	1,500 00	_____
Chapter 455, Laws 1909:			
Alterations	10,000 00	_____	10,000 00
Spur track	20,000 00	_____	20,000 00
	=====	=====	=====

APPENDIX V

Record of a Defective Family

EMMA W., illegitimate child born in almshouse; feeble-minded. Mother, two brothers and a sister feeble-minded; mother's father feeble-minded and mother's mother tuberculous. When a second child was expected, the mother was induced by well-meaning people to marry the father, who was a drunken epileptic. Two children were born. Still later the same well-meaning people aided her to get a divorce in order to marry the father of another child about to be born. Since then four more have been born. All of these children are feeble-minded. This entire family, with the exception of the oldest child, are at large.

EMMA W.



—HEREDITY CHART—

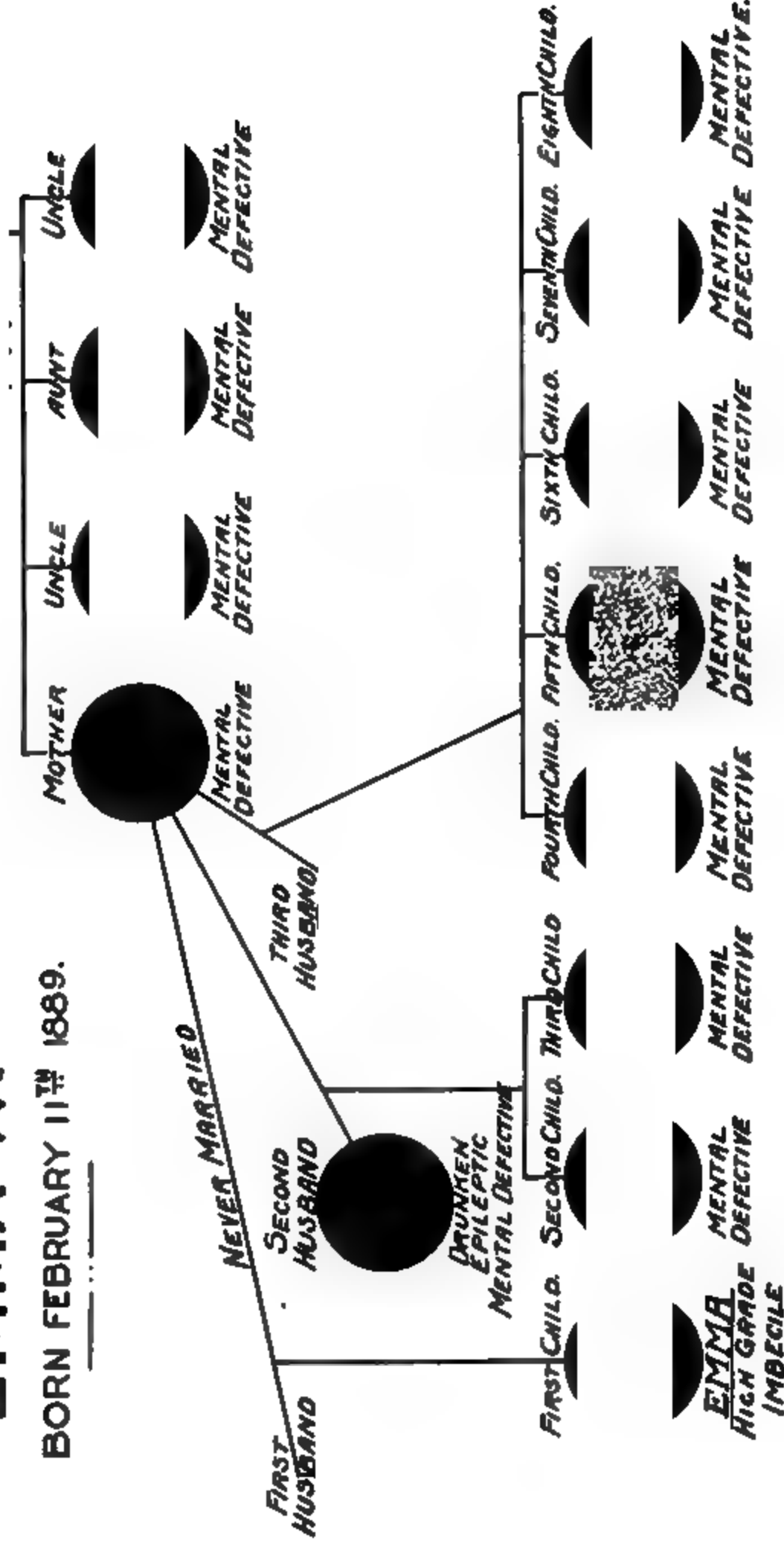
OF

EMMA W.

BORN FEBRUARY 11TH 1889.

MS. 143

GRANDFATHER. GRANDMOTHER.



APPENDIX VI

GLEN IRIS, *June 15, 1909.*

HONORABLE WILLIAM R. STEWART, *Chairman Letchworth Village Commission.*

MY DEAR MR. STEWART.—In response to the request made by you and your colleagues upon the occasion of your recent visit to Glen Iris that I co-operate with you in carrying out your wish to place a portrait of myself in the official department of the institution which bears my name, I desire to say that it will give me great pleasure to present my portrait to Letchworth Village for the purpose named. The honor extended me of associating my personality with the humane and self-sacrificing work for which the institution stands, and to which you and those associated with you have devoted so much time and labor, will afford me profound gratification during the remaining days of my life.

I am, with great respect,

Sincerely yours,

WM. PRYOR LETCHWORTH

Of the Sergeant-at-Arms.

5. To be in attendance on the Senate, to preserve order.

Of the Rights and Duties of Senators.

6. (1) Relative to presentation of petitions, reports, resolutions, etc.
 (2) To preserve order while journals or public papers are being read.
 (3) Debate; Senators to address the President, and not to proceed until recognized; limitation; President to decide who is entitled to floor.
 (4) Within bar of Senate when question is stated, to vote, unless, etc.
 (5) Wishing to be excused from voting, may make brief statement.
 (6) and (7) Absentees to be sent for.

Committees and their Duties.

7. Standing committees.
8. On printed and engrossed bills, to examine all bills, resolutions, etc., and report as correctly printed or engrossed before third reading.
9. On revision, duties of.
10. Reports of committees on bills; proceedings when not considered at time of making.

Of General Orders and Special Orders.

11. What to constitute the general orders; business of; how taken up.
12. Special orders.

Of the Committee of the Whole.

13. Rules to be observed in; may strike out enacting clause in bills, and if report is agreed to by Senate, bill to be deemed rejected.
14. Bills, committed to, to be read through by sections; amendments not offered in, not in order except by unanimous consent.
15. Motion to rise and report progress always in order.

Of Bills.

16. How introduced.
17. Proceedings when reported by committee of the whole, when deemed lost; final question to be taken immediately after third reading.
18. To receive three readings; not to be amended or committed until twice read; not to be read a third time out of its order; resolutions proposing amendments to Constitution to be treated as bills, to be acted on in committee of the whole.
19. Or resolution amending Constitution, after ordered to a third reading, may not be amended, except, etc.
20. Two-thirds bills.
21. Question on final passage to be taken by ayes and nays.
22. To be printed in the order as reported by committee, unless, etc.
23. When final vote on, may be reconsidered; to be read by sections.
24. To retain place when quorum not present.

mistakes therein may be corrected. After the reading and approving of the Journal the order of business shall be as follows:

1. The presentation of petitions.
2. Introduction of bills, by districts, in their numerical order.
3. Messages from the Assembly.
4. Messages from the Governor.
5. Reports of standing committees.
6. Reports of select committees.
7. Communications and reports from State officers.
8. Third reading of bills.
9. Motions and resolutions.
10. Special orders.
11. General orders.

But messages from the Governor and Assembly, communications and reports from State officers, reports from the Committee on Privileges and Elections involving the right of a Senator to his seat, and reports from the Committee on Engrossed Bills, on Revision and on Rules shall be received at any time. The Committee on Rules may sit at any time; consideration of its report shall always be in order, debate on its adoption shall not exceed one hour, one-half hour for and one-half hour against, and no other motion shall be in order until the vote of the Senate is had thereon.

OF THE PRESIDENT.

2. (1) The President shall preserve order and decorum; in case of disturbance or disorderly conduct in the lobby or galleries, he may cause the same to be cleared; he shall decide all questions of order, subject to appeal to the Senate. On every appeal he shall have the right, in his place, to assign his reasons for his decision; he shall appoint all committees, except when the Senate shall otherwise order. When the Senate shall be ready to go into committee of the whole, he shall name a chairman to preside therein.

(2) He shall assign to the doorkeepers their respective duties and stations.

(3) Immediately upon the final passage of any bill by the Senate, he shall certify that the same has been duly passed, with the date thereof, together with the fact whether passed as a ma-

enforcing order on the floor of the Senate, in the lobbies, and in the rooms adjoining the Senate Chamber, and also see that no person remains on the floor unless entitled to the privileges of the same.

OF THE RIGHTS AND DUTIES OF SENATORS.

6. (1) A Senator presenting a paper shall indorse the same; if a petition, memorial, or report to the Legislature, with a brief statement of the subject of its contents, adding his name; if a notice or resolution, with his name; if a report of a committee, a statement of such report, with the name of the committee and Senator making the same.

(2) Senators shall not speak to each other or otherwise interrupt the business of the Senate, or read any newspaper while the Journals or public papers are being read; or walk out of or across the Chamber when the President is putting a question, or when a Senator is speaking pass between him and the chair.

(3) A Senator rising to debate or to present a petition or other paper, to give a notice, make a motion or report, shall address the President and shall not proceed further until recognized by the chair; he shall speak on the same subject but twice the same day without leave of the Senate; and where two or more Senators address the chair, the President shall name the Senator who is first to speak.

(4) Every Senator shall be present within the Senate Chamber during the sessions of the Senate, unless duly excused or necessarily prevented, and shall vote on each question stated from the chair unless excused by the Senate, or unless he has a direct personal or pecuniary interest in the event of such question. If any Senator refuses to vote, unless he be excused by the Senate, or unless he be interested, such refusal shall be deemed a contempt.

(5) A Senator desiring to be excused from voting may, when his name is called, make a brief statement, not occupying over five minutes, of the reasons for making such request, and the question on excusing him shall then be taken without debate, and any Senator desiring to explain his vote upon a bill, may, when his name is called, be allowed a like opportunity.

(6) In case a less number than a quorum of the Senate shall

convene, those present are authorized to send the Sergeant-at-Arms, or any other person, for the absent Senators.

(7) In all cases of absence of Senators during the sessions of the Senate the Senators present may take such measures as they deem necessary to secure the presence of the absentees, and in addition to suspension for a given period, may inflict such censure or penalty as they may deem just on those who shall not render sufficient excuse for their absence.

7. There shall be the following standing committees:

To consist of eleven members each:

Finance.

Judiciary.

Affairs of cities.

Railroads.

To consist of nine members each:

Canals.

Commerce and navigation.

Codes.

Insurance.

Taxation and retrenchment.

Forest, Fish and Game Laws.

Internal affairs of towns and counties.

To consist of seven members each:

Banks.

Military affairs.

Miscellaneous corporations.

Public health.

Penal institutions.

Revision.

Affairs of villages.

Agriculture.

Privileges and elections.

To consist of five members each:

Printed and engrossed bills.

Indian affairs.

Trade and manufactures.

Public printing.

To consist of three members:

Rules.

8. The committee on printed and engrossed bills shall examine all bills, amendments and resolutions which are required to be printed or engrossed, before they go out of the possession of the Senate, and make report when they find them correctly printed or engrossed before they are read the third time; they shall also compare such amendments as may be made in the Assembly to Senate bills, and that are concurred in by the Senate after they shall have been reprinted or re-engrossed in the Senate, for the purpose of seeing if they are correctly printed or engrossed. And no bill shall be passed unless it shall have been printed and upon the desk of each Senator in its final form at least three calendar legislative days prior to its final passage, unless the Governor or acting Governor shall have certified to the necessity of its immediate passage, under his hand and the seal of the State, nor unless the committee on printed and engrossed bills shall have reported that such bill is correctly printed or engrossed. All bills recalled from the Governor for the purpose of amendment, if amended, and all Senate bills amended by the Assembly, and returned to the Senate for its concurrence, and all bills amended by the report of a conference committee, shall be subjected to the provisions of this rule and the second clause of Rule 4.

9. The committee on revision shall examine and correct bills referred to it, for the purpose of avoiding repetitions and ensuring accuracy in the text and references. It shall also report whether the object sought to be accomplished can be secured without a special act under existing laws, or by enactment of a general law.

10. Every report of a committee upon a bill which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate shall stand upon the general orders with the bill and be entered upon the Journal.

OF GENERAL ORDERS AND SPECIAL ORDERS.

11. The matters referred to the committee of the whole Senate shall constitute the general orders, and the business of the general orders shall be taken up as follows, viz.: When the chairman named by the President has taken the chair, the Clerk shall announce the title of each bill, with the printed number, or other matter, as it shall be reached in its order, when it may be taken

up on the motion of any Senator without the putting of any question therefor, and be considered immediately, and so on until the calendar is exhausted, or a motion is carried that the committee arise. Any bill not so moved shall lose its preference for the day.

12. Whenever any bill or other matter is made a special order for a particular day, and it shall not be completed on that day, it shall, unless otherwise ordered, retain its place on the calendar, as a special order in the order of business in which it was considered; and when a special order is under consideration, it shall take precedence of any special order for a subsequent hour of the same day; but such subsequent special order may be taken up immediately after the previous special order has been disposed of.

OF THE COMMITTEE OF THE WHOLE.

13. The rules of the Senate shall be observed in the committee of the whole, so far as they may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken. Such committee may strike out the enacting clause of a bill and report that fact to the Senate; and if the report be agreed to by the Senate, it shall be deemed a rejection of the bill. But whenever the committee is engaged in the investigation of any charges against any of its members the rules of the Senate shall apply.

14. Bills committed to the committee of the whole Senate shall, in committee of the whole, be read through by sections. The report shall state whether or not said bill has been amended in committee of the whole. After the report the bill shall be subject to debate and amendment before the question to print or engross it is put; but such amendments only shall be in order as were offered and decided in the committee of the whole Senate, except by unanimous consent.

15. A motion that the committee rise and report progress on any bill shall always be in order, and shall be decided without debate.

OF BILLS.

16. Every bill shall be introduced by a Senator in his place, or on the report of a committee, or by message from the Assembly,

and after its first and second reading unless otherwise ordered by the Senate, shall be referred to a standing or select committee, to consider and report thereon. When a bill is received as a message from the Assembly, and a Senate bill, identical therewith, is on the order of third reading in the Senate, or in the committee of the whole, the Assembly bill may be substituted for the Senate bill upon a vote of a majority of the Senate. A motion for such substitution shall be in order under the order of business of messages from the Assembly, motions and resolutions, or the order of business in which the Senate bill is. No private bill shall be introduced by a Senator, or on a report of a committee, unless accompanied by a memorial or petition signed and verified by the party or parties praying for the passage of the same, except by order of the Senate.

Every bill introduced by a Senator shall be in duplicate and shall have indorsed thereon a statement of its title, with his name.

The titles of all bills proposing amendments to the Greater New York Charter, or the Penal Code, the Code of Criminal Procedure, the Code of Civil Procedure, the Revised Statutes, the Consolidated Laws, or to any existing laws having a short title when introduced, must quote the descriptive name of the Code or the short title of the Consolidated Laws, or Revised Statutes, or law to be amended, with some brief reference to the subject-matter of the proposed amendment, and the Clerk of the Senate is hereby directed to return any bill to the Senator introducing the same, when this rule has not been complied with.

17. When a bill shall be reported by the committee of the whole, and not otherwise disposed of, the question shall be, "Shall the report be agreed to?" And when the report of such committee, if favorable, shall be agreed to and the bill not otherwise disposed of, the bill shall be ordered printed and engrossed for a third reading. Upon such question the merits of the bill may be debated, and a motion to commit, or recommit, or to amend, as provided in the fourteenth rule, or lay on the table, or to postpone to a future day, shall be in order. If such question be decided in the negative, such bills shall be deemed lost.

18. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second or third. No bill shall be amended or committed

until it shall have been read twice, and no bill shall be read a third time out of its regular order, unless on a vote of two-thirds of all the Senators present voting; and all resolutions which propose any amendment of the Constitution shall be treated in the form of proceedings on them, in a similar manner with bills, and no bills shall be ordered to a third reading without having been acted upon in committee of the whole.

19. After a bill or resolution to amend the Constitution shall be ordered to a third reading, no motion to amend the same shall be in order without unanimous consent; but any such bill or resolution may be committed prior to the final reading thereof.

20. When any bill requiring the concurrence of two-thirds of the Senators is under consideration, such concurrence shall not be requisite except on the question of its final passage.

21. The question on the final passage of every bill shall be taken by ayes and noes, which shall be entered on the Journal, and unless the bill receives the number of votes required by the Constitution to pass it, it shall be declared lost, except in cases provided for by the twenty-fourth rule, and such question shall be taken immediately after the third reading and without debate.

22. Every bill immediately upon its introduction shall be printed and placed on the files of the Senators. It shall retain its original printed number when reprinted, together with its new number thereafter during all stages of its progress. All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted.

Every bill when introduced, and every amendment thereafter made to such bill amending existing law, must have all new matter underscored, and all matter eliminated by amendment from existing law must appear in its proper place inclosed in brackets. In the printed bill such new matter shall be italicized and all matter eliminated from existing law shall be inclosed in black-faced brackets. Where a printed bill is amended by eliminating new matter from such bill, the same shall be omitted in the reprint of the original.

It shall be the duty of the President to direct the Clerk to cause any bill appearing on the calendar and not complying with this rule to be immediately amended and reprinted so as to comply with the same.

There shall be printed for the use of the Senate as authorized by section seven of the State Printing Law, three hundred additional copies of such general Senate bills as may be designated by the Clerk of the Senate.

23. The vote on the final passage of any bill appropriating moneys or property, or creating, continuing, altering or removing any body politic or corporate, shall not be reconsidered whenever any such bill shall be lost, unless by a vote of a majority of all the Senators elected, but all other bills, when the same shall have been lost, may be reconsidered by a vote of a majority of all the Senators present and voting.

24. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill requires a vote of two-thirds of all the Senators elected to pass it, and it appears that such number is not present, the bill shall retain its place on the calendar and be again taken up in its regular order.

ON MOTIONS AND THEIR PRECEDENCE

25. When a question is before the Senate, only the following motions shall be received, and such motions shall have precedence in the order here stated, viz.:

1. For an adjournment.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone indefinitely.
5. To postpone to a certain day.
6. To commit to a standing committee.
7. To commit to a select committee.
8. To commit to the committee of the whole.
9. To amend.

The motion to adjourn, or for a call of the Senate, or to lay on the table, shall be decided without debate, and shall always be in order except as provided in Rules 1, 32 and 47.

26. All motions shall be reduced to writing, if desired by the President or any Senator, delivered to the Clerk, and read before the same shall be debated; any motion may be withdrawn at any time before decision or amendment.

27. If the question in debate contains several points, a Senator may have the same divided, provided the division called for embodies a distinct principle or statement of fact.

28. A motion to postpone, commit or refer, until it is decided, shall preclude all debate of the main question. .

29. When a blank is to be filled, and different sums or time shall be proposed, the question shall be first taken on the highest sum and the longest time.

30. When a question has once been put and decided, it shall be in order for any Senator to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; and before the first day of March no bill or resolution shall be sent from the Senate on the day of its passage; nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or within the next three days of the actual session of the Senate thereafter. Nor shall any question be reconsidered more than once. But when a bill or resolution shall have been recalled from the Governor or from the Assembly, a motion for reconsideration may be made at any time thereafter while the same is in the possession of the Senate, and all resolutions recalling a bill or resolution from the Governor or Assembly shall be regarded as privileged. No vote shall be reconsidered upon either of the following motions:

To adjourn.

To lay on the table.

31. All concurrent resolutions shall lie on the table at least one day, except as otherwise directed by Rules 18 and 30, and except concurrent resolutions referring to adjournment.

ON CLOSING DEBATE.

32. When any bill, resolution or motion shall have been under consideration for six hours it shall be in order for any Senator to move to close debate, and the President shall recognize the Senator who wishes to make such motion. Such motion shall not be amendable or debatable and shall be immediately put,

and if it shall receive the affirmative votes of a majority of the Senators present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion or resolution, with such amendments as may be pending at the time of such motion according to the rules of the Senate, but without further debate, except that any Senator who may desire so to do shall be permitted to speak thereon not more than once and not exceeding one-half hour. After such motion to close debate has been made by any Senator no other motion shall be in order until such motion has been voted upon by the Senate. After the Senate shall have adopted the motion to close debate, as hereinbefore provided, no motion shall be in order but one motion to adjourn and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the Senate shall again convene, and shall be taken up at the point where it was at the time of such adjournment. The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill, resolution or motion to its passage or rejection. All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same be on appeal or otherwise shall be decided without debate.

33. If at any time during the session of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Clerk to call the roll, and shall announce the result, and such proceedings shall be without debate; but no Senator while speaking shall be interrupted by any other Senator raising the question of a lack of a quorum, and the question as to the presence of a quorum shall not be raised oftener than once in every hour unless the lack of a quorum shall be disclosed upon a roll call of the ayes and noes. Whenever upon a roll call any Senator who is upon the floor of the Senate chamber refuses to make response when his name is called, it shall be the duty of the presiding officer, either upon his own motion or upon the suggestion of any Senator, to request the Senator so remaining silent to respond to his name, and if such Senator fails to

do so, the fact of such request and refusal shall be entered in the Journal, and such Senator shall be counted as present for the purpose of constituting a quorum.

OF QUESTIONS OF ORDER.

34. All questions relating to the priority of business shall be decided without debate.

35. When the reading of a paper is called for, except petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, without debate.

36. When a Senator shall be called to order, he shall take his seat until the President shall have determined whether he is in order or not; and if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. No second appeal shall be determined until the original appeal shall be decided; and if a Senator shall be called to order for words spoken, the words excepted to shall be immediately taken down in writing.

37. Upon a division in the Senate, the names of those who voted for or against a question shall be entered alphabetically on the journal, if any Senator requires it, except on motion to excuse a Senator from voting, which shall be decided by count; and each Senator called upon, unless for special reasons he be excused by the Senate, shall declare openly and without debate his assent or dissent to the question.

OF EXECUTIVE SESSION.

38. On motion to close the doors of the Senate, on the discussion of business which in the opinion of any Senator may require secrecy, and during the consideration of all business in executive session, the President shall direct all persons, except the Senators and Clerk of the Senate, his messenger, the Journal Clerk and Sergeant-at-Arms of the Senate to withdraw; and during the discussion of said motion the doors shall remain shut; and every Senator and officer of the Senate shall keep secret all such matters, proceedings and things which shall transpire while the doors remain closed.

39. The proceedings of the Senate upon executive business shall be kept in a Journal separate from its proceedings upon legislative business.

40. The Senate shall go into consideration of executive business at such times as may be ordered by a vote of the majority of the Senators present. All nominations sent by the Governor for the appointment of any officer (except notaries public) shall be referred, unless the Senate otherwise orders, to a standing committee of the Senate. Nominations of persons for the office of notary public shall be referred to the Senator from the district in which the nominee resides, except that when the nominee resides in the city and county of New York, the reference shall be to the Senators from that city and county; and when the nominee resides in the county of Kings, the reference shall be to the Senators from that county.

MISCELLANEOUS PROVISIONS.

41. None but the President, Senators and Clerks shall be allowed to take books belonging to the Senate library; and on taking books, each of the persons above mentioned shall furnish to the Librarian a list of those taken and his name, and shall be responsible for them; and it shall be the duty of the Librarian to have a book in which to enter the delivery of the books so taken and their return, and it shall be his duty to see that the books in the library are kept in order and in their place at the opening of each morning session.

42. It shall be the duty of the Superintendent of Documents and his assistants to have the documents and bills promptly placed on the files of the President and Senators in the order of their numbers, and it shall be the duty of the Postmaster to see that the mails are punctually delivered.

43. The Senate library, post-office and document rooms shall be opened every morning during the session of the Legislature at 8.30 o'clock and remain open until 5.30 p. m., and shall also be open during all the hours the Senate is in session, except that on Sundays the post-office shall be open from 12 noon to 1 o'clock p. m.

44. A rule of the Senate shall not be altered, suspended or rescinded without a vote of a majority of all the Senators elected; and a motion to suspend, alter or rescind any such rule, or any joint rule of the two Houses, shall not be in order, without the unanimous consent of the Senate, unless one day's previous notice thereof in writing shall be given; specifying the purpose of the proposed suspension, alteration or rescission; provided that nothing in this rule shall limit the provisions of the first and thirty-second rules.

45. Whenever a claim is referred to a committee, and the committee reports that the claim ought not to be allowed, and the report is adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them to a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence had been discovered since the report, and setting forth the same in the memorial.

46. All resolutions calling for the expenditure of moneys must be decided by a majority vote of all the members elected to the Senate, upon a call of the roll.

47. For the purpose of securing the attendance of Senators, a call of the Senate may be ordered at any time, but such call shall not be in order after the voting on any question has begun, nor after the third reading of a bill has been completed, nor after the motion to close debate has been ordered pursuant to Rule 32, unless it shall appear upon an actual count by the President that a quorum is not present.

48. Persons not members of the Senate, or officers or employees thereof, shall be admitted to the floor of the Senate only as follows:

1. The Governor, his secretary and messenger.

2. The members and Clerk of the Assembly, and clerks and messengers of the Assembly in the exercise of an official duty directly connected with the business of the Senate.

3. The elected State officers, heads of departments and their deputies.

4. Reporters of the Senate and of the Assembly designated

under the rules, unless a designation theretofore given them has been revoked.

5. Ladies and members of a Senator's family, or of the family of the President of the Senate, on the card of a Senator, or of the President of the Senate.

6. Former members of the Senate.

7. Any person not hereinbefore named may be admitted to the parlor of the Senate.

8. During the sessions of the Senate, no person other than a Senator shall occupy the chair of a Senator.

50. An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor, or in the lobby of the Senate.

STATE OF NEW YORK

No. 22.

IN SENATE,

JANUARY 31, 1910.

In the Matter of the Investigation Demanded by Senator Jotham P. Allds.

ALBANY, *January 31, 1910.*

To the Senate of the State of New York, and to Lafayette B. Gleason, as Clerk thereof:

I, BENN CONGER, Senator from the Forty-first District, do hereby, pursuant to the requirements of the rules adopted by the Senate on the 26th day of January, 1910, make and file the following statement:

On the 4th day of January, 1910, at a conference of certain Senators held in a room at the Ten Eyck hotel in the city of Albany, N. Y., I stated in the course of our conversation my reasons for refusing to support Senator Allds for the position of President *pro tem* of the Senate. I said in substance that I knew him to be unfit for the position because he had to my knowledge, while a member of the Assembly, demanded and received and accepted money as the consideration for action which he had taken with regard to certain proposed legislation pending before that body; and that statement was, as I am informed and believe, communicated to Senator Allds on the following day.

About two weeks later the substance of what I said became public through the press and then Senator Allds demanded this in-

vestigation; and the Senate has in effect, by the resolution and rules adopted by it, required me to make and file a definite statement of my charges.

In accordance therewith I do hereby state and charge:

First. That Jotham P. Allds, on or about the 23d day of April, 1901, while a member of the Assembly of the State of New York, received and accepted the sum of one thousand dollars (\$1,000) in my presence at the Capitol in the city of Albany, N. Y.; and

Second. That the said sum was demanded by him and was paid to and accepted by him as the consideration for his having refrained from pressing to passage a certain bill pending before that House.

Dated, January 28, 1910.

(Signed) BENN CONGER.

AUGUSTUS VAN WYCK, New York, N. Y.,	} <i>Of Counsel.</i>
JAMES W. OSBORNE, New York, N. Y.,	
DAVID W. VAN HOESSEN, Cortland, N. Y.,	

STATE OF NEW YORK,	} ss:
COUNTY OF CORTLAND,	
CITY OF CORTLAND.	

BENN CONGER, being duly sworn, deposes and says: That he is the person named in and who signed the foregoing statement; that he has read the same and knows the contents thereof; and that the same is true to his own knowledge except as to the one matter therein stated on information and belief — viz., the communication of his statement to Senator Allds — and to that matter he believes it to be true.

(Signed) BENN CONGER.

Sworn to before me this 28th day
of January, 1910.

HAROLD W. NICHOLS,
Notary Public.

STATE OF NEW YORK

No. 23.

IN SENATE

JANUARY 25, 1910.

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY, PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO CO-OPERATE WITH THE STATE OF OHIO AND OTHER STATES PARTICIPATING IN THE PERRY'S VICTORY CENTENNIAL.

By Mr. Hill:

WHEREAS, the centennial anniversary of the battle of Lake Erie, which witnessed the momentous triumph of Commodore Oliver Hazard Perry and his gallant men in the crowning struggle of the war of 1812, will occur in the year 1913; and,

Whereas, the state of Ohio, by action of her executive and legislative authorities, has formulated preliminary plans to celebrate this anniversary in a fitting manner by means of an historical and educational exposition at Put-in-Bay Island during the summer of 1913, and has created a board of commissioners to carry said plans forward and to invite therein the co-operation of the states bordering on the great lakes; and,

Whereas, the states of Pennsylvania, Michigan, Illinois and Wisconsin have already joined the state of Ohio in the aforesaid enterprise by the appointment of five commissioners each, to co-operate therein; and,

Whereas, legislation is pending in the Congress of the United States having in view the like co-operation of the National Government therein; therefore, be it

Resolved (if the Assembly concur), that the Governor be and hereby is authorized to appoint a commission of five members, composed of citizens of the State of New York, to consult and co-operate in this laudable enterprise with the commissioners from Ohio and such other states as are now participating and may in future participate in the proposed celebration. The commissioners thus appointed will serve without compensation and make report to the Governor of New York relative to the progress of the objects in view, prior to the session of the Legislature in the year 1911.

By order of the Senate, January 26, 1910,

LAFAYETTE B. GLEASON,
Clerk.

In Assembly: Concurred in without amendment, January 27, 1910.

By order of the Assembly,

RAY B. SMITH,
Clerk.

STATE OF NEW YORK

No. 24.

IN SENATE

FEBRUARY 3, 1910.

LIST OF STANDING COMMITTEES OF THE SENATE FOR THE YEAR 1910.

ON FINANCE.

Messrs. Hill, Cordts, Brackett, Cobb, Agnew, Grattan, Heacock, Emerson, Allds, Ramsperger, Frawley, Harte, Grady.

ON THE JUDICIARY.

Messrs. Davis, Cobb, Hinman, Grattan, Wainwright, Meade, Schlosser, Coats, Allds, Wagner, Schulz, Bayne, Grady.

ON AFFAIRS OF CITIES.

Messrs. Hinman, Davis, Meade, Davenport, Travis, Newcomb, Holden, Rose, Allds, Ramsperger, Frawley, Cullen, Grady.

ON RAILROADS.

Messrs. Cobb, Agnew, Gledhill, Wainwright, Hamilton, Mackenzie, Burlingame, Holden, Griffith, McManus, Harden.

ON CODES.

Messrs. Brackett, Brough, Newcomb, Schlosser, Burlingame, Davenport, Meade, Caffrey, Stilwell.

ON TAXATION AND RETRENCHMENT.

Messrs. Meade, Grattan, Platt, Holden, Rose, Kissel, Allen, Cullen, Sullivan, T. D.

ON COMMERCE AND NAVIGATION.

Messrs. Cordts, Emerson, Travis, Witter, Alt, Mackenzie, Griffith, Harte, Harden.

ON CANALS.

Messrs. Allen, Heacock, Hill, Travis, Wainwright, White, Mackenzie, Ramsperger, Harden.

ON INSURANCE.

Messrs. Grattan, Agnew, Wainwright, Schlosser, Hewitt, Newcomb, Alt, Ramsperger, Sullivan, T. D.

ON FOREST, FISH AND GAME.

Messrs. Hamilton, Cobb, Holden, Hubbs, Alt, White, Coats, Frawley, Cronin.

ON INTERNAL AFFAIRS OF TOWNS AND COUNTIES.

Messrs. Heacock, Hubbs, Hamilton, Conger, White, Hewitt, Coats, Bayne, Gardner.

ON MISCELLANEOUS CORPORATIONS.

Messrs. Wainwright, Hewitt, Platt, Gledhill, Rose, Sullivan, C. D., Cronin.

ON BANKS.

Messrs. Travis, Conger, Holden, Allen, Griffith, Harte, Manus.

ON PENAL INSTITUTIONS.

Messrs. Emerson, Brough, Alt, Allen, Gledhill, Stilwell, Cronin.

ON PUBLIC EDUCATION.

Messrs. Brough, Cordts, Conger, Mackenzie, Davenport, Sullivan, T. D., Wagner.

ON PUBLIC HEALTH.

Messrs. Witter, Platt, Kissel, White, Burlingame, Schulz, Caffrey.

ON MILITARY AFFAIRS.

Messrs. Rose, Heacock, Brough, Kissel, Hamilton, McManus, Gardner.

ON REVISION.

Messrs. Coats, Emerson, Burlingame, Gledhill, Davenport, Sullivan, C. D., Cronin.

ON AFFAIRS OF VILLAGES.

Messrs. Hubbs, Hewitt, Conger, Mackenzie, Witter, Bayne, Gardner.

ON AGRICULTURE.

Messrs. Platt, Cordts, Hubbs, White, Witter, Bayne, Gardner.

ON PRIVILEGES AND ELECTIONS.

Messrs. Schlosser, Hill, Newcomb, Davenport, Burlingame, Bayne, Stilwell.

ON INDIAN AFFAIRS.

Messrs. Newcomb, Hinman, Hamilton, Schulz, Caffrey.

ON TRADES AND MANUFACTURES.

Messrs. Conger, Gledhill, Kissel, Sullivan, C. D., Gardner.

ON PRINTED AND ENGROSSED BILLS.

Messrs. Agnew, Hinman, Alt, Wagner, McManus.

ON PUBLIC PRINTING.

Messrs. Hewitt, Emerson, Witter, Cullen, McManus.

ON RULES.

Messrs. Allds, Davis, Grady.

STATE OF NEW YORK

No. 25.

IN SENATE

FEBRUARY 4, 1910.

**IN THE MATTER OF THE INVESTIGATION ASKED FOR BY
THE SENATOR FROM THE THIRTY-SEVENTH. ANSWER
OF SENATOR JOTHAM P. ALLDS.**

I, Jotham P. Allds, Senator from the thirty-seventh district, do hereby, pursuant to the rules adopted by the Senate on the twenty-sixth day of January, nineteen hundred and ten, and in answer to the charges made by Benn Conger, Senator from the forty-first district, dated January thirty-first, nineteen hundred and ten, make and file the following statement.

I am informed and believe that on the fourth day of January, nineteen hundred and ten, at a conference of certain Senators, held in the Ten Eyck hotel in the city of Albany, New York, Benn Conger, Senator from the forty-first district, stated to them and in their presence that I demanded and received from him, the said Benn Conger, as a consideration for my action as a member of the Assembly concerning proposed legislation pending before that body, a sum of money, which I am informed and believe he stated to be one thousand dollars.

Shortly after this conference information came to me concerning the statement made by the said Benn Conger, Senator from the forty-first district, in said conference, the exact character and purport of which I was unable to ascertain.

I am informed and believe that Josiah T. Newcomb, Senator from the nineteenth district, who was a member of and present at said conference, communicated the statement made by the said Benn Conger to the editor of the Evening Post, of which paper

I am informed and believe he had been, before his election to the Senate, an editorial writer, and I am informed and believe that the said Senator Newcomb is now a stockholder of a corporation which publishes and circulates the Evening Post.

When the knowledge of this statement, made by the said Benn Conger, had been put into the possession of the editor of the Evening Post, I, personally, called upon said editor and told him that the statement made by the said Benn Conger was false and that the Evening Post ought not to publish and circulate a false statement concerning me.

Notwithstanding the fact that the editor of the Evening Post was thus advised that this statement was false, and notwithstanding the fact that Benn Conger, Senator from the forty-first district, within a few days after the matter became known, retracted his statement that he, Benn Conger, had given me money when I was a member of the Assembly and substituted in the place thereof the statement which he has since reduced to writing and made the whole of his charges upon, to the effect that some one else, whom he does not name, gave me the money, the Evening Post made public the information which had been brought to it by Senator Newcomb. Thereafter, and at the earliest opportunity, I, upon a question of privilege, demanded of the Senate that an investigation be had of the charge made by the said Benn Conger, Senator from the forty-first district, that he had paid or given me money when he was a member of Assembly.

The Senate, in response to said demand, promptly appointed a committee to formulate rules governing the procedure which should govern said investigation, and when the committee reported such rules, adopted them and determined that the investigation should be conducted by a committee of the whole Senate, which rules required Benn Conger, Senator from the forty-first district, to reduce the statement which he had made concerning me, in the conference, on the fourth day of January, nineteen hundred and ten, at the Ten Eyck hotel, to writing and to give detailed and complete specifications thereof. Pretending to comply therewith, the said Benn Conger, on January thirty-first, nineteen hundred and ten, filed with the Clerk of the Senate a statement in which he says that Jotham P. Allds, on or about the twenty-third day of April, nineteen hundred and one, while a member of the Assembly of the State of New York, received and accepted the sum of one thousand dollars in the presence of the said Benn

Conger at the Capitol, in the said city of Albany, and that the said sum was demanded by the said Jotham P. Allds and paid to and accepted by him as the consideration for his having refrained from pressing the passage of a certain bill before that House.

Notwithstanding that the said Benn Conger, Senator from the forty-first district, has abandoned the original charge made by him, in the conference at the Ten Eyck hotel, on the fourth day of January, nineteen hundred and ten, that he personally gave to me the alleged sum of money while I was a member of Assembly, as a consideration for my action, as a member of the Assembly;

Notwithstanding that the said Benn Conger, Senator from the forty-first district, has so changed his statement as to relieve himself from the responsibility of a bribe giver, and has failed to state who the bribe giver was, and while the said Benn Conger has failed and refused to state in his charges what the bill or legislation was, for which the alleged sum of money was demanded and received by me;

Notwithstanding that the said Benn Conger, in all essential particulars, has changed his statement upon which this investigation was demanded and evaded and avoided the rules of procedure requiring him to specify in detail completely and definitely, the particulars of the taking of the money by me, while a member of Assembly, nevertheless:

I, Jotham P. Allds, intent upon having an honest and full investigation of the matter, in which my official and personal integrity was impeached by the said Benn Conger, Senator from the forty-first district, made on January fourth, nineteen hundred and ten, at the Ten Eyck hotel, do, upon my oath, say:

That I did not, on or about the twenty-third day of April, nineteen hundred and one, while a member of the Assembly of the State of New York, receive and accept the sum of one thousand dollars, or any other sum of money, as a consideration for having refrained from pressing to passage a certain bill, or any bill, pending before the House.

And, first, I do say, upon my oath, that the original statement made on January fourth, nineteen hundred and ten, by the said Benn Conger, Senator from the forty-first district, at the conference at the Ten Eyck hotel, in which he stated that he paid me a sum of money as a consideration for my action in the Assembly, is untrue.

Second, that the last statement of the said Benn Conger, Senator from the forty-first district, which he has filed with the Senate, in which he says that he saw me receive a sum of money from some person whom he does not name, is untrue.

(Signed) JOTHAM P. ALLDS.

LEWIS E. CARR,
MARTIN W. LITTLETON,
LEWIS E. GRIFFITH,
DANFORTH E. AINSWORTH,
Of Counsel.

STATE OF NEW YORK, }
CITY AND COUNTY OF ALBANY, } ss.:

JOTHAM P. ALLDS, being duly sworn, deposes and says that he is the same person who signed the foregoing statement and answer, and that he has read the same and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

(Signed) JOTHAM P. ALLDS.

JOHN E. McLEAN,
Notary Public, Albany Co., N. Y.

STATE OF NEW YORK

REPORT

OF THE

Joint Committee of the Senate and Assembly

OF THE

STATE OF NEW YORK

Appointed to Investigate

PRIMARY AND ELECTION LAWS OF
THIS AND OTHER STATES

Volume I

TRANSMITTED TO THE LEGISLATURE FEBRUARY 21, 1910

ALBANY
J. B. LYON COMPANY, PRINTERS

1910

STATE OF NEW YORK

No. 26.

IN SENATE

FEBRUARY 21, 1910.

REPORT OF THE JOINT COMMITTEE OF THE SENATE AND ASSEMBLY OF THE STATE OF NEW YORK, APPOINTED TO INVESTIGATE PRIMARY AND ELECTION LAWS OF THIS AND OTHER STATES.

To the Senate and Assembly:

The Joint Committee of the Senate and Assembly, appointed pursuant to concurrent resolution adopted April 29, 1909, submits the following report:

The resolution directed the Committee—

“to examine into, consider and investigate the operation, efficiency and results of the so-called direct primary law for the nomination of candidates for elective offices in other States of the United States as well as the laws of this State regulating the conduct of party primaries and conventions, and, generally, into all matters pertaining to the election laws, for the purpose of determining what amendments, if any, to the present laws or laws governing primaries and elections are needed, the same, or what other further legislation may be needed upon the subject, and to report its recommendations to the Legislature on or before the first day of February, nineteen hundred and ten, together with proper and necessary bills to carry into effect its recommendations if such recommendations require it;”

The Committee organized June 11, 1909, and employed Walter H. Knapp, as counsel, Henry Seilheimer as secretary to the Committee, and Henry C. Lammert as official stenographer. The reso-

NOTE.—Reference is made to page of stenographer's record.

lution instructed the Sergeant-at-Arms of the Senate to attend to such duties as might be required of him by the Committee.

The public hearings were begun at the State House in the city of Boston, July 12, 1909, and similar hearings were conducted during the summer and fall in the cities of Philadelphia and Harrisburg and Pittsburg, in the State of Pennsylvania; in the city of Topeka, Kansas; Des Moines, Iowa; St. Paul, Minnesota; Madison and Milwaukee, in the State of Wisconsin; Chicago, Illinois; Indianapolis, Indiana; Detroit, Michigan. In this State, hearings were had in Buffalo, Albion, Orleans county, and in the city of New York.

Every courtesy and opportunity for the examination of records was extended to the Committee in other States, and excellent accommodations in the capitol buildings, city halls and county buildings, were given to the Committee without charge in the several cities visited. It will be understood that outside of the State of New York, the Committee had no jurisdiction to compel the attendance of witnesses by subpoena and had to rely upon the voluntary appearance and testimony of the persons interested in the subject-matter of the inquiry.

It is proper to say, however, that in every place visited by the Committee, men of the highest character, those holding high official positions, as well as men having held no political office, but standing high in the community in business and professional lines, were willing and helpful witnesses before the Committee.

Senator McCarren was able to attend only the hearings in Boston and Philadelphia, and died before the public sessions of the Committee were completed in New York State.

The Committee did not deem it wise or necessary to visit the Pacific Coast States where primary election laws have been enacted, but obtained some evidence of the working of the direct nomination systems in some of these states by correspondence and from the statements of witnesses, who have visited these localities and to some extent observed the working of their primary laws.

Although the resolution authorized the Committee, in general terms, to investigate election laws of other states, the work of the Committee was confined almost entirely to the investigation of nominating systems, both representative and direct, and to the results obtained in the actual operation of laws intended to control the methods of nomination of candidates for public elective office.

The report will attempt to summarize the testimony received by the Committee in each of the states visited, together with a brief digest of the laws of each state, in which there has been any legislative enactment attempting to control the nomination of candidates for public office by political parties.

MASSACHUSETTS.

Mr. Herbert H. Boynton, Deputy Secretary of the Commonwealth, for many years, whose evidence appears at pages 5-70 of the record, gave to the Committee a detailed statement of the substance of the primary laws in operation in this state. There is no state-wide mandatory primary law, but, except in the city of Boston, the form of the primary and whether candidates shall be nominated by direct vote, is determined by a referendum vote of the electors of particular districts and by special statutory enactment.

It is to be noted that among the other usual qualifications of voters, the law requires that every male citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, must be able to read the Constitution of the Commonwealth in the English language and write his name.

The official ballot is in the form of what is known as the "Australian ballot," the candidates of all parties being grouped in alphabetical order under the designation of the office, without party emblem or party column, and in this connection, we have appended to this report a tabulation of the number of registered voters at the state elections in 1907 and 1908, with the percentage of the vote cast in each of these years, which will be interesting to compare with similar conditions in New York State.

It will also be noted that judges of all courts of record are appointed and do not come under the elective system. Members of the School Committee in Boston are also especially exempted from the operation of a direct nomination system. In Boston, the election department is under the charge of a Board of Election Commissioners, consisting of four citizens appointed by the Mayor without confirmation of the Board of Aldermen, and said Board constitutes the "Boston Ballot Law Commission" and has general charge of all matters relating to registration of voters, primaries and elections. Personal registration is not required,

except in the year 1908 and every twelfth year thereafter, but the voting list is corrected each year by a system of police census, except that new voters may appear before the Board and qualify and register.

The general law controlling all caucuses in using official ballots provides that all caucuses of political parties for the choice of delegates to political conventions, which nominate candidates to be voted for at the annual state election and for the nomination of candidates to be voted for at such election, shall be held throughout the Commonwealth on a day designated by the State Committee of the political party, for which said caucuses are held, and no two parties shall hold caucuses on the same day. The law also provides for publication of notices of such caucuses and for the method of conducting the same, and prohibits persons who are members of one political party from voting in that of another, but upon challenge, he may take an oath in which he asserts his legal right to vote in the caucus of his choice.

In such caucuses, the ballot is usually furnished by the political parties or candidates.

There is also a provision of law, known as the "Boston Act," which has been adopted by the Republican party in eighteen of the cities and towns of the State, and by the Democratic party in seven. This act provides for an official ballot, and any city or town committee is required at the written request of fifty voters, members of its party, to call caucuses of said party to determine by ballot whether the provisions of law for the use of official ballots shall be adopted. If the official ballot is adopted, the political committees may still fix the time for holding the caucuses, but no two political parties shall hold their caucuses on same day. After one year's trial, a political party, which has accepted said special provisions of law, may revoke the same, and this has been done in several instances.

What is known as the "Luce Law," providing for joint caucuses, or primaries of political and municipal parties, was mandatory in Boston, and has been adopted by twelve of the cities and towns of the State, mostly located in the vicinity of Boston. The "joint caucus or primary" is conducted substantially the same as an election, except that the party official ballots are designated by different colored paper, and each voter, upon calling for a bal-

lot, must designate the party of his choice and by such designation becomes enrolled as a member of that party, and cannot receive a ballot of another party, unless, at least ninety days before the primary, he shall have applied to the Election Commissioners to change his party enrollment, or takes an oath at the primary to the effect that the election officers have made a mistake in enrolling him at the last primary. This method of enrollment seems to be quite successful in preventing the members of one party from voting the ballot of another, but of course absolutely prevents so-called "independents" from taking any part in the nomination of party candidates.

Any city or town, which has adopted the provisions of law for nominating at primaries, can adopt or abandon this system by referendum vote. In thirteen out of the forty Senatorial districts, candidates for Senator are nominated by the direct plan, though all do not use the official ballot; in one hundred and one out of one hundred and seventy-three representative (Assembly) districts, the direct nomination plan is in use; and in three out of fourteen Congressional districts; and one Councilor out of eight Councilor districts is nominated in this way.

Delegates to State and county conventions are elected at the same primaries upon the official ballot, and candidates for municipal offices in Boston, prior to the adoption of the new charter, and in other cities where adopted as before stated, are nominated by direct vote. Without a special legislative act, candidates for office cannot be nominated at the primaries by direct vote. A large number of bills were introduced at the last session of the Legislature and none of them were adopted, except one affecting Essex county, which became a law without the Governor's signature. There are no direct nominations for any county officers within the State.

The direct nominations plan for municipal officers has been in operation in the city of Boston since about the year 1901.

In 1907, a commission to consider the financial conditions of the city of Boston was authorized by Chapter 481 of the Acts of 1907 and Chapter 562 of the Acts of 1908. This commission consisted of seven members appointed by the Governor of the State and the mayor of the city of Boston, upon the recommendation of various commercial and real estate interests of the city.

Five Democrats and two Republicans were appointed to the commission. They served without pay and were men of the very highest character. Many of them practically gave up their business for a year and a half while working on the commission. All the members of the board acted with the greatest public spirit and disinterestedness, and their recommendations were accepted by the Massachusetts Legislature, which was Republican, and by a popular vote in Boston, a Democratic city. (See testimony of Charles W. Eliot, former president of Harvard University, pages 3226-3246).

The report was signed by six members of the commission as follows: Nathan Matthews, Chairman; George U. Crocker, George A. O. Ernst, John F. Moors, Randall G. Morris, and John A. Sullivan. Mr. Matthews was Mayor of the city of Boston for four terms, and at the last Harvard commencement was given the degree of LL.D. for distinguished services to the city and State upon this Finance Commission. Mr. John A. Sullivan was a Member of Congress and is the present chairman of the new Finance Commission of the city of Boston. Mr. George O. A. Ernst is a member of the School Board; Mr. George U. Crocker was the Deputy State Treasurer for some years.

The Committee made an exhaustive study of political conditions in the city, and especially of the method of nominating candidates for Mayor, Aldermen and Members of the Common Council; these candidates had been selected for about eight years by a system of direct nominations, with an official ballot and joint caucus and party enrollment of voters, similar to direct nomination plans of many other localities.

The experience of Boston and this method of nominations can be best expressed by quoting here from the report of said Boston Finance Commission, made in January, 1909, found on pages 22-24 of said report:

“While the present system of nominating the candidates for mayor and city council at primary elections was adopted to correct certain abuses incident to the caucus and delegate convention, it has given rise to new evils more serious still; and it operates to make the nomination and election of representative citizens to the elective offices of the city government more difficult than under the former system.

“ Whatever force there may be in the argument that party responsibility is a guarantee of good behaviour and a desirable check on individual misconduct, this argument presupposes the existence of a true political party with principles, organization and discipline.

“ The direct primary system was not intended to abolish partisanship in municipal government; but in its practical working, there is no longer the partisanship of a great organization bound, theoretically at least, by party principles, and having some regard for its political responsibilities in the State at large. It is a partisanship of ward organizations, calling themselves Republican or Democratic as the case may be, but representing no municipal policies capable of formulation.

“ Under the convention system it is possible for a party to nominate or endorse a candidate from the other party if it so desires. This has frequently been done in the case of the school committee and the county officers, and once in the case of the mayor. Under the present primary system this opportunity disappears entirely. No Republican can be nominated in the Democratic primaries and no Democrat can be nominated in the Republican primaries. Voters who would like to see their party endorse a strong member of the opposite party for a municipal election rather than put up a weak candidate of their own are powerless to accomplish this result.

“ Our present electoral machinery is wholly unsuited to the requirements of successful municipal government through popular suffrage. Instead of bringing the choice of candidates nearer to the people it has enacted well-nigh insurmountable barriers between the individual voter and the free selection to which he is entitled, and which he must have before he can discharge his duty as a citizen. It has made it artificially difficult to secure good nominations; it has debarred the best and most representative citizens from participation in the government; it has increased the power of money in elections; it has practically handed the city over to the ward politicians. It tends to create bad government, no matter how strongly the people may desire good government; and to discredit the capacity of the people when congregated together in great cities to administer their municipal affairs.

“ The effect of the present system of nominations upon the mayoralty elections has been particularly unfortunate, and so generally deplored as to require little comment in this report.

“ Under the direct primary system a strong, honest and popular man is theoretically able to secure a nomination against the opposition of the party organization or “ machine;” but practically he can do it only by entering into a personal contest with the ward politicians in every district. Desirable men shrink from this sort of a contest. A party nomination for mayor in this city is not so likely to be a choice by the party of its best candidate, as a personal contest between two or more active seekers for the office.

“ The possession of concurrent power over appropriations and loans, aggregating \$25,000,000 a year, and over the municipal ordinances for a population of 600,000 people, would seem to furnish sufficient honor to make a seat in the city council an object of legitimate ambition, and to cause whatever sacrifice of time may be involved to be looked upon as a civic duty. Membership in the city council, however, is quite generally regarded as a discredit rather than an honor; and it is difficult to induce representative men to become candidates for either branch.”

In accordance with the recommendations of this Finance Commission, the Legislature at the session of 1909, adopted for the city of Boston a new charter, which abolished the direct nominations system for all city officers and provided for a referendum vote upon two plans, first, whether such officers should be nominated by delegate and convention system; and second, whether they should be nominated by petition, signed by 5,000 voters.

The commission recommended the latter plan and the abolition of the primary, and this was subsequently adopted by popular vote. It is a matter of common knowledge, which was also testified to by President Eliot, that at least ten candidates for the office of mayor undertook to get the required 5,000 signatures, and that one candidate, former Mayor FitzGerald, secured about 14,000 signatures early in the contest, and as a voter can sign but one petition, this naturally made it more difficult for other candi-

dates to secure signatures. The contest for signatures was very active and four candidates only secured the necessary 5,000. The election, which has just taken place, resulted in the choice of Mr. FitzGerald, the former Democratic mayor, whose administration was so severely condemned in the report of the Finance Commission. The new charter reduces the common council to a small number and attempts to do away with party control in the administration of the affairs of the city, and to conduct its business upon the lines of what is known as the Des Moines system.

The experiment is the most interesting and important one undertaken in this country for the administration of the affairs of a city of metropolitan size.

During the sessions of the Committee in Boston, the commission had the benefit of the views and experience of the following witnesses, who took a position more or less favorable to some system of direct nominations, and in some instances to the extension of the system in operation in Massachusetts to include all elective officers, including state officers and the abolition of all conventions, except possibly conventions for the nomination of school officers:

Robert Luce, author of a law enacted in 1902 concerning direct nominations, and the so-called Luce Law of 1903, providing for a joint caucus. Mr. Luce is regarded as the best authority in the city of Boston upon the subject of direct nominations, and not being present in the city at the time of the hearing, communicated with the Committee by letter, found at page 98 of the record. Mr. Luce concludes that the fear because of the multiplicity of candidates, which was predicted, has not been realized; that the scope of the choice between candidates may have been somewhat enlarged but not harmfully, but there has been no such increase of candidacies as was feared; that the choice by plurality vote has not been objectionable, and that there is no practical justification for the elaborate second and third primary complications that prevail in the south; that the system does not destroy the influence of party leaders, but keeps it within legitimate bounds, and that party members take more interest and become more earnest and loyal party workers than under the old system; that there is less bolting of candidates under this system and a greater increase in participation in the nominating process. He also contends that the

system has broken down what is known as the "rotation in office theory" by retaining useful servants in official positions as long as they will serve; that the State or municipality also gains by lessening "old locality claims;" in other words, there is no opportunity under this system for the distribution of candidates according to locality within the district; that the most serious objection to the system is its expense, but that direct nominations lessen the expense wherever the candidates would in any case have appealed to the voters, and it increases the expense where if the convention plan prevailed there would be no prior canvassing of the mass of voters, and Mr. Luce adds: "For this reason, I have come to the personal conclusion that the best system is one whereunder nomination may be made by convention, if there is no manifest occasion for a general canvas, something as is the case in an English parliamentary election, where a poll is taken only after two or more candidates have presented themselves. Of course, precisely that system could not apply here, but it is quite possible to provide that there shall be direct nomination wherever an appreciable number of voters petition for it."

Mr. Luce does not agree with the contention that direct nomination as far as applied in the State of Massachusetts is adapted only to districts territorially compact and says that "the fact is that populations have now so grown that no candidate is personally known to more than a small fraction of the voters, whether in city or country. Choice is made on the strength of the judgment of a comparatively few men, who advise others, directly or indirectly." He states that "the all important question — 'Does direct nomination get better candidates?' — cannot be answered statistically and any answer is but individual opinion."

Mr. William F. Murray, a resident of Charlestown, and representative in the years 1907 and 1908, advocated the extension of the direct nomination system, and gave an interesting account of his own experiences as a young man in politics. He claimed that many bright young men had been able to get into politics, both city and municipal, in and about Boston, by means of the direct nomination system, but stated that the expense to such candidates, who might be opposed by the so-called organization, would be considerable. Candidates for the State Senate, under this system,

usually expended from two to three thousand dollars to secure the nomination to an office, which pays a salary of \$750. It seems to be generally conceded that better and more independent members of the school committee of the city of Boston can be selected by the convention system than by any system of direct nominations. And for this reason, the school committee is excepted from the operation of the joint caucus and the plan of nominations by the direct system. While it might be possible for a member of one party to be nominated by the ticket of another, Mr. Murray said that he had never known such a thing to happen. The fact also that only a small percentage of the minority party's enrolled voters participated in the primaries, while a much larger number of the majority party's voters came out to the primary, in cases of contest, either for the nomination or for party factional control, was brought out. At the State primary in 1908, the Democratic votes cast for a representative in Congress in the Ninth District were 14,269. Republican votes cast at the same primary in the same district, 1,846. At the election which followed, the Democratic candidate received 13,729 and the Republican candidate received 4,989.

This establishes the fact that in a Congressional district, which has a large Democratic majority, there were 540 more Democratic votes cast at the primary than were cast at the election, while there were 3,093 more votes cast for the Republican candidate at the election than at the primary, and this notwithstanding the fact that there was an apparent contest at the primary between Republican candidates. These figures show that only about 36 per cent. of the Republicans, who voted at the election, voted at the primary. Ordinarily a much smaller percentage of the enrolled vote of the minority party participates in the primary, as will be disclosed by the records of other states hereinafter set forth.

In the third ward of this same district, Democratic primary votes to the number of 1,876 were cast for a representative in Congress, while at the election only 1,661 votes were cast for the successful nominee, that is to say, 215 more Democratic votes were cast at the primary than at the election. It is claimed that many of those who voted the Democratic primary ticket were in reality Republicans and participated in the Democratic primary because

of the warm contest for the nomination. In each instance the so-called organization candidate won out.

Mr. David B. Shaw, a Democratic member of the Legislature from the same Charlestown district, testified favoring direct nominations systems along the same lines advocated by Mr. Murray. He also stated that it was the invariable rule in the Commonwealth, where primary elections exist, that the majority party become enrolled and participate in the primary, while but few of the minority party, being the Republican party in the city of Boston, become enrolled and take any interest in the primary (page 238).

Mr. Shaw was very bitter in his attacks upon the new charter of the city of Boston and characterized it as a "nefarious act" (page 244).

In the contest for Congress in the Ninth District, to which reference has been made, he admitted that Kelleher, who received the plurality, was favored by most of the Democratic Ward Committee, and that he did not know of a case since the direct system was in vogue in that Congressional district, when a man has been nominated for Congress, who did not have the support of the organization.

Mr. Shaw thought that the results of the direct system had been so good that it would be well for the community to extend it to the School Committee, and that it would secure fully as good, if not better, results, so far as the discipline and management of the schools are concerned. That it should also be extended to county officers, but he did not believe in extending it to the Governor (page 258); for the reason that, as he stated, "The Commonwealth, like the national government, is dependent a great deal on party for its political life;" that formulation of party platforms and principles can only be made at conventions. While he contended for the nomination of United States Senators by the direct method, he did not believe in the nomination of Governor in this way. He said of the Finance Commission, whose report has been referred to, that "A more condemned body never existed in this city" (page 266); and after a bitter attack upon them and their report, stated to the chairman of this Commission (page 276) "You do not want to take too much stock in the testimony given

by Mr. Matthews and Mr. Sullivan." He characterized these gentlemen as "disappointed politicians" and himself as an "active politician" (page 266).

The Commission also had the benefit of the views of Hon. James H. Vahey, former State Senator, and the Democratic nominee for Governor in 1908 and 1909 against the present Governor, Eben S. Draper.

Mr. Vahey supposed that "direct nominations" was an issue in his campaign in 1908, but was mistaken. He said that he should see that it was made an issue in 1909, and that he should make it as much a prominent issue as possible, so that it might to some degree reflect the sentiment of the people of Massachusetts upon this subject. It is doubtful if the issue was made very prominent during the campaign, but Mr. Vahey was unsuccessful at the election, though by a reduced majority against him. He gave it as his theory of popular government that so far as State, local and smaller municipal divisions of the State, are concerned, the question of party principle is not involved; that in State and municipal affairs party designations do not cut any figure (page 317). He does not think it is necessary in the government of a State to have any party responsibility at all for the conduct of the government, but prefers to rely solely upon the individual. In State and municipal affairs, he does not regard it as necessary to have direct nominations of party men, and does not see any reason for party nominations in State local affairs. He declared his belief in what is known as the *Initiative*, the *Referendum*, and the *Recall* (page 318), while strongly advocating the extension of direct nomination systems to all elective offices within the State, including Governor and United States Senators.

He said that complaint had been made that members of the minority party, particularly Republicans in the Charlestown district, participated in the primaries of the majority party. Where direct nominations are permitted and the party caucuses are held separately, the voter is not required to make any declaration of his party affiliation, unless challenged, and Mr. Vahey prefers the joint caucus, such as is provided in the Luce Law. He believed that the School Committee could be selected as well under the direct nomination system as by the convention, as is now pro-

vided by law; and charged the prevention of the extension of the direct nomination system in the State to the powerful influence of the United States Senator, who does not wish the Senatorship to be submitted to popular vote. When asked by a member of the committee as to whether he would regard that feature of the law proposed to be enacted in the State of New York, which provides for the suggestions of candidates at the primary by party committees and giving them preferential position, he stated that he would not regard that provision of the proposed law as a direct nomination feature, and believed that the preferential position, coupled with the fact that the candidate suggested by the committee would have the support of the organization, would give such candidate a considerable advantage over the independent opposing candidate.

Hon. Arthur Harrington, a former member of the House and Senate, gave the committee some of his personal experiences as a candidate under the direct nomination system.

Mr. Harrington claimed to have been defeated by this system where he would have been nominated by the convention, by reason of the fact that the organization, which was opposed to him, induced a third candidate to stand for the nomination. He also stated that the expense ordinarily was about three times as great under the direct system as under the convention system, "the larger the district, the greater the expense, because a greater number of people have to be reached with literature, and a greater number of halls have to be hired; and if you have to have workers at the polls a greater number of workers at the polls have to be paid and carriages, and in every way, according to the size of the district, of course, the expense is larger, but relatively it is about three times as great; that has been my experience in the last ten years" (page 337).

He says that there is no doubt that there is practice in the majority party on the part of candidates of inducing others to become candidates so as to split up the vote, and sometimes they put in the name of another person, who has a name similar to the person, whom they wish to oppose. As an instance, he mentioned the fact that one John L. Kelly was running for alderman and his opponent put in the name of John E. Kelly as a candidate.

For a time under the law, the candidate's name appeared upon the ticket in the order of filing, and there was great disorder and confusion at the place of filing, by candidates, who desired to get their names first on the ticket and obtain whatever advantage there might be from that position; now, however, they are put on in alphabetical order, except in the case of groups of delegates and they are put on in the order of filing, and the organizations desiring to get their delegates on first will hire rooms in the vicinity of the filing place, in order to be on hand when the nominations can be filed; there is no appeal from the decision of the local registrar, who marks the time of filing to suit himself. Mr. Harrington contended, however, that direct nominations worked well where there was a homogeneous, compact population, but in rural districts, it did not work well, and in all the districts where they still retain the "town meeting," they have invariably refused to ask for direct nominations for members of the House and Senate, for the reason that a large town in some district would always control the nomination and the rural district could not secure a candidate in the general court or in the Senate (page 341). He contended that the "machine candidates" will win in the city of Boston under the direct nomination plan ninety-nine times out of a hundred, and that the joint primary increases the majority party and decreases the minority party, because of the fact that the minority members will enroll in the majority party for primary purposes and ultimately become attached to such organization. Voters will enroll with the majority party because of patronage, which they may get, or appointments which they may receive from the majority party managers, knowing that if they were not enrolled in such party, it would be hopeless for them to ask for any appointment or patronage from the party in control. This, he claims, is not in any respect due to the direct nomination feature of the law, but the Enrollment Law required by the joint caucus. Mr. Harrington said that in a Senatorial district comprising the half of a city, which half contained probably one hundred thousand people, and also the half of a county containing nine or ten towns, a direct primary system would be absolutely impracticable. He cited the case of Charlestown, Cambridge and East Boston, which are in the same district; for twenty years Charlestown has had the Sena-

tor and the other two cities have never had a Senator, Charlestown being the strongest Democratic city in the State and being able for this reason to outvote the rest of the district.

Mr. Harrington contended that all administrative officers such as School Committees, Attorney-General, City Treasurer, should be nominated by the convention, upon the theory that he would thus be more removed from politics than if nominated by the direct system.

Mr. Richard L. Gay, who has compiled the Election Laws of the State of Massachusetts and has been Secretary of the Massachusetts State Election Law Association, presented his views to the committee, generally favoring the direct nomination systems of the State, as they are conducted at present, but did not believe that one universal law could be made to apply to the whole city or State; that there should be a law, which would leave it to the community, the district itself, to decide the question, and that in a district containing a large city and rural towns, a Direct Nominations Law would not work, for the reason that the city vote would control a nomination in every instance, while in a convention, by agreement, the nomination might be distributed to some extent. That the party has the right to say how they want to make nominations, and that he would leave it to the party by vote to determine whether they would nominate by convention or by direct vote; that the opposing party had no right to come in and dictate how this should be done; that there would be no objection to one party nominating by direct vote and the other party by convention in the same district (page 370). Mr. Gay does not believe in universal direct nominations, for State officers, nor that it can be applied universally; let each district decide for itself.

On July 14, the committee was invited to a luncheon given by the "Massachusetts Club," the oldest and most conservative of the Republican organizations in the city of Boston. There was a large attendance and speeches were made upon both sides of the direct nominations question.

Hon. William F. Murray, who had theretofore appeared before the committee, and Michael J. Ready, both Democrats and former members of the House, spoke in favor of a limited system in Massachusetts, and Mr. Gay urged the extension of it to all State officers, including the School Committee in Boston.

They were strongly opposed by Mr. Bishop, a Republican, and chairman of the Judicial Committee in Massachusetts House of Representatives, who spoke particularly of the effect of numerous candidates entering into the contest and by their presence and activity defeating the will of the people; that is to say, where under a convention system, there might be two prominent candidates for the office, under the direct system, without the endorsement of any particular organization, several candidates might enter the contest upon their own platforms and take away the votes that would otherwise have gone to a strong and popular candidate, and by the plurality system thus bring about his defeat.

Mr. Ready spoke particularly of the many evils of the old convention system in Boston, which caucuses and conventions were without any legislative control whatever; he had, however, been a successful candidate under both systems.

Mr. Charles T. Adams, a Republican and former Representative, asked the committee to remember that the Massachusetts system is the convention system, and that direct nominations have been adopted in only a few instances, but that the system, under which Massachusetts has nominated its candidates for public office during substantially all of its history, has been the convention system, and that the many great men that have come to the front in Massachusetts are the product of the convention system; that the men of Massachusetts should stand for that system, for deliberation, for discussion, and for conventions where men get together and talk over these things and come to the wisest and best conclusion. He said (page 431): "Now, when I was in the Legislature, this question was comparatively new and nearly everybody had a little touch of this sentiment in favor of what was called 'direct nominations by the people,' but really they have not turned out to be direct nominations by the people. They have turned out to be direct nominations by the candidates themselves. Because, as we all know, that this direct nomination business limits the voters to two or three candidates, who file their names early and get upon the ballot. So that when the people come to the caucus, they cannot have their choice and nominate whom they want to, but they are limited to two or three candidates, whose names appear upon the ballot and very often they are not favorable to either one

of the candidates, whose names appear there, but there is nothing for them to do, but to vote for them; there is absolutely no choice on behalf of the people of the men who shall serve them in responsible positions."

Mr. Adams also contended that representative citizens were frequently nominated after deliberation in the convention who were not candidates earlier and could not be induced to enter into a personal contest for a nomination at a primary election.

One of the most important and best informed witnesses before the commission was Hon. William F. Garcelon, of the city of Newton, a suburb of Boston, a Republican in politics and the chairman of the Committee on Elections. Mr. Garcelon also presided at the luncheon at the Massachusetts Club and spoke briefly there upon the subject. The city of Newton is strongly Republican, and as a result of his observation he stated that it was his opinion that the majority party had grown stronger and the minority party weaker under the operation of the Joint Caucus Act, coupled with direct nominations for Representatives (Assemblymen), Senators, Congressmen, and municipal officers; that the minority party paid very little attention to the primaries and in one ward where a hundred Democrats were enrolled, the largest number of votes cast was fourteen at any primary, and upon one occasion only three votes were cast, and that even in the case of contest in the majority party, 1,200 out of 5,900 enrolled voters only participated upon one occasion and upon another, 300 out of 6,000, and the expense of conducting the primary varied from one to ten dollars a vote. He asserted that so far as nominees were concerned, good men could be nominated under either system, provided the people themselves took any interest in political affairs, but the interest of the masses was so slight that ordinarily more abuses were committed under the direct primary plan than under the representative system, and that better results under such circumstances were obtained by conventions; that the contests for nomination frequently become a campaign of personality rather than of principle; that many times men were asked by the caucus of citizens to become candidates and who accepted nominations from conventions, who would not enter into a contest under the direct system; that he did not believe that the operation of the system tended in any respect to uplift the

body politic, for the reason that political activity on primary day was largely due to personal solicitation of candidates and the candidates were not bound by any allegiance to a group of citizens or upon party principles, but simply stood by their individual declarations.

Mr. Garcelon, however, thought that good results might come under such a system in compact districts where a candidate for office in the course of a few days might see all the voters and get acquainted with them, or where they were likely to know him, but if the district was large, or the office was territorially large, it would cost a great deal of money and take a great deal of time to go over the district and see the voters and in such case he believed the convention system was preferable. That better results are obtained and better nominations secured when made by the nominating caucus or convention in any large organization. Mr. Garcelon thought, however, that they had not experimented long enough with the direct nomination plan to be certain that it was the plan to adopt for a whole commonwealth, or whole city or for large districts, and that "in making any reform in election methods we should go very slowly."

Mr. Garcelon said that it was difficult to determine whether the operation of the one system or the other selected better candidates, that in some cases under the direct system, the smooth man with money and a willingness to spend it by making an extensive campaign and mixing with the people might secure the nomination which, under the convention system he could not get; that the general results were about the same (page 119). That most of the Democratic representatives in the House voted for direct nominations, although some of them told Mr. Garcelon quietly that they were voting so because they felt they must; that they did not believe in it being a good thing, simply felt the pressure of the public pulse from back home. Mr. Garcelon doubted if the Corrupt Practices Act was or could be enforced. That a common method of evasion was to appoint some relative or friend as a committee or agent during the primary contest and let such person spend the money; that only a small portion of the candidates ever filed any returns as to their expenses and the matter was not followed up and no actions taken with reference thereto; that at the

last election, out of 1,029 public officials elected, there were only 372 made returns.

The direct nomination system has not been extended in the State of Massachusetts and several cities that had adopted the Joint Caucus Act have revoked it.

Mr. Garcelon expressed himself very freely as to the provisions of the proposed legislation in New York State and condemned the proposed committee plan as being too far removed from the people; that in that respect, such legislation would not be in line with direct nominations. The expenses of candidates is, in the opinion of Mr. Garcelon, very much increased by the direct nomination system.

Reference has already been made to Nathan Matthews, chairman of the Finance Commission, who made the report quoted above. Mr. Matthews also appeared before the Committee and explained the work of the commission and its reasons for the report in abolishing the direct nomination system for city officers and providing for the alternative referendum before mentioned.

Some form of direct nominations had been in use in the city for eight or nine years and had proven unsatisfactory, and as Mr. Matthews says, "The character of the nominations had steadily deteriorated and the nominees had ceased to be representative men in either of the parties" (page 204). He added that the system "has been destructive of party organization and party representation as well; ever since the system was introduced in this city for city offices and municipal offices, there has been a complete disruption of the party and of party principles, and an absolute disintegration of party organization" (page 205).

He added further: "It has very distinctly had the same effect upon the men elected from Boston to the State Legislature, and it works this way, if I may explain for a moment: there being no convention, there is no body of men to declare the principles of the party and there is nobody to whom the nominee is responsible, and the party as a whole cannot be held responsible, because the nominations go to individuals calling themselves Democrats or Republicans as the case may be, who go around and get their own nomination at the primaries by various more or less underhand methods, and when nominated and when elected, they recognize no responsi-

bility to them. They cannot be held responsible because they do not get the nominations from a party organization; they get it from the voters themselves at the polls, at the primaries. So that the logical and inevitable result of the practice is the destruction of not only the party machine, whatever that may be worth, but of all idea of party discipline, party responsibility, and party principles. There isn't anything of it left after this system has been in operation for several years. If you are going to help the party government at all, you cannot get it by means of direct party primary nominations. You get simply government of individuals and factions calling themselves one thing or the other as the case may be. But you get no true party action or party responsibility, or party discipline in any way. That is the way it is intended to work by most of the gentlemen in favor of it." * * * "The men able to fill state and national offices want to see real government and that you cannot get by any such system as this; it is a negation of party government. There is no opportunity for any campaign of principle because there isn't anybody to declare the principles and there is no convention. We used to have, even in municipal politics in Boston, a party platform, but you cannot have them to-day because there isn't any convention to declare them. It is the same way in the Senatorial districts and in the Representative districts. One man goes to the Legislature or the city council and acts as he pleases; there isn't any party to hold responsible; he is not responsible to any party but himself and no party is responsible to the public at large for his vote" (page 208). * * * "The nomination, the caucus and the primaries are confined to men, who are not simply ordinarily receptive of political honors, but to men who want them so much that they will put their whole time *in* and their money *out* to get them, and then having made up their minds to secure the nominations in that way, they go to work at it by any sort of private, secret, surreptitious, underhand method of action" * * * "The contest has degenerated over and over again in this State into a mere exchange of personalities. And thus these conditions and the expense involved and the character of the nominations and campaign that is invited, all tend to discourage the nomination of real representative men in either party. The result has been a steady deterioration in the character of the nominees on both sides; so much so

that at the present time, they are unrepresentative of their constituency" (page 209). * * * "The poor man has no chance at all; he is shut out to start with; and so is the representative business man and the professional man. The expense is double, practically, on the face of it; two elections instead of one, and I suspect that in practice, it is considerably more than that."

Mr. Matthews strongly advocated the method of selection of the school board by convention. He expressed the belief that the direct system is destructive of the majority as well as the minority party organization. "It has hurt the Democratic party more than it has the Republican party in Massachusetts, and in Boston, but it has hurt both parties; it has now put the Democratic party into a condition of disruption, and it will have the same effect on the Republican party, if it is continued" (page 215). He said that at the time the direct nomination proposition was up in the Legislature, he went to the committee, to his Democratic friends and told them what, in his opinion, would happen to the Democratic party if the direct system of party nomination was adopted, but it had no effect at that time, but his friends, who were in the Senate then, have since seen their mistake and changed their minds. That during the last four months of 1908, he talked with numerous people as to whether they would not rather go back to the delegate and convention system than to continue with the present direct system, and that he did not find a single man in either party in the city of Boston, who had a word to say in favor of the direct primary system. The witness added that he had a very strong belief upon the question as a citizen and regarded this plan of direct party primaries as nothing but a stepping stone in the socialistic propaganda; that Socialist papers put at the head of four or five things which they want, "Direct Nominations." "The next step is the Referendum; the next the Initiative; and the ultimate goal is Direct Legislation, and that means the abolition of representative institutions in this country. The people who advocate this system are in large part men who want to see representative democracy abolished, and some system from Australia, Switzerland or ancient Greece of a direct democracy installed in its place. The whole system, with all its corrolaries, I regard as unrepresentative and as un-democratic and as absolutely un-American."

He thought that the abuses of party conventions had been overestimated and that these could be corrected and active corrective measures should be taken to correct the convention system, rather than to make the experiment of direct nominations. "The party caucus, the party convention, was born in this country. It does not exist to-day in any country in Europe. In Europe the party candidates are nominated as they used to be in this country before the days of Madison, by committees, self chosen, self perpetuating committees" (page 220).

"About 1820, you invented a system, and that is the system of the delegate convention, which of course necessitated the American caucus; American it is, absolutely and essentially. And now this system, born somewhere, born in foreign lands, under alien institutions, has been imported into this country unwittingly and unconsciously favored by a great many persons, who do not really know what it means, and I think it is bad and it is gradually disrupting our political foundation; and the final clinching argument against the plan is that it cannot be worked in practice. In other words, the system is bad in theory and it is vicious to the last degree in practice."

Hon. John A. Sullivan, the chairman of the new Finance Commission of the city of Boston, and a member of the Finance Commission which reported against direct nominations and in favor of the new charter, a lawyer, and affiliated with the Democratic party, appointed by the Republican Governor Draper to his present position, formerly a member of the Massachusetts Senate and for four years representing the Boston district in Congress, gave to the Committee valuable results of his experience and observation as a member of the Finance Commission, in investigating election and other methods in the city of Boston. Mr. Sullivan was a member of the Massachusetts Senate at the time the Primary Election Law was established for the city of Boston, and was an earnest advocate of the new system. His experience has caused him to change his views and he expressed the belief that the direct system is a bad system and one that ought to be abolished in the State wherever it exists. He does not agree with Mr. Matthews that the primary system is bad in theory, but thinks it is sound in theory, because it is predicated upon the notion that

all men are free and equal and that our voters should have equal rights in the nomination and election of candidates; that the theory is perfectly sound, but it has worked badly in practice. That direct nomination has worked badly in practice because the theory is founded on false premises, that is "that all men are of equal intelligence and of equal devotion to the public good. I think they are not" (page 224). He gave it as his opinion that there has been a general deterioration of the character of the candidates for public office in the city of Boston and elsewhere since the establishment of the Primary Election Law; that the men "who have been nominated by that system, on the whole, taking the average of them, are — have shown themselves to be inferior in tone and ability and devotion to the public welfare, to the men who are nominated under the convention system; the cause is easily discovered; the convention system is a part of the party system of government, and the party system of government assumes responsible leadership. You have leadership under the convention system at times that will be responsible, at other times it will fall from that standard; on the whole you will have more responsible leadership under the convention system than under the primary system; there has been no way found to discipline a public officer, who has been nominated in the primaries, who may offend the responsible leaders of his own party, but he can make his appeal directly to the people, and if he is a man of good personal gifts, or of large fortune, he can get support in numbers, which he would lack in the intelligence of his supporters, and secure a renomination, although he has proved himself in fact a bad public servant."

Mr. Sullivan contended that money counted for more under the direct system and that the amount required to nominate a candidate for high office in the city of Boston is simply astounding; that the cost of the campaign of one candidate for the office of mayor in the city of Boston was at least \$100,000 under the direct nomination system; the salary of mayor is \$10,000 a year. Mr. Sullivan has been a successful candidate under both systems and avers that in any case the convention system at its worst is better than the primary system at its worst, and the convention system at its best is better than the primary system at its best; the average results of the convention system is far superior to the average

results of the primary system. He said that he looked at conditions under both sides from the standpoint both as a politician and as a citizen; that he regarded the profession of politics as noble a profession as there is; that unfortunately the word has received a sinister interpretation. All nominations for parliament in England are made by committees of the two parties; the voters have absolutely no voice whatever in the selection of their candidates, and he compared the personnel and work of the English parliament with that of the American Congress.

Hon. Thorndyke Spaulding, of Cambridge, a graduate of Harvard College and of Harvard Law School, a Republican member of the Massachusetts Senate from the Cambridge district, appeared before the Committee. Mr. Spaulding had been in close touch with the political conditions for upwards of fifteen years as secretary and chairman of the Cambridge City Committee and as secretary and assistant secretary of the Republican State Committee and as a member of the Committee on Election Laws at the last session of the Legislature. He was also chairman of the Judiciary Committee. Mr. Spaulding believed that direct nominations diminished the interest of the educated, public spirited men in political affairs rather than increased it. By the taking away of the conventions, where men interested in public affairs get together and touch elbows with other men from other wards or other cities and other districts. According to his observation, where it has been tried in Massachusetts, it has been a distinct failure. The Cambridge district does not nominate by the direct method and a few years ago an effort was made to include this district in the Springfield, Worcester and Somerville districts, which elected by the direct nomination system, and it was the almost universal opinion among both parties that they did not wish to be included in the bill, which put them into a direct primary district, and it was struck out in the House.

He said that where you have a direct nomination system, the man with a large sum of money, or with a very easy working mouth and brain, can get in and make a great headway oftentimes, where in a district that is represented by men in the convention, he could not succeed.

The Committee obtained as a part of its record, sample primary

ballots, election ballots, the Election Commissioners' reports and other documents to illustrate the method of conducting the primary elections in the city of Boston and elsewhere in the State, with the tabulated results of the primary and State elections, all of which are referred to and made a part of this report.

OBSERVATIONS ON THE MASSACHUSETTS SYSTEM.

1. With the exception of the city of Boston, nominating systems in the State of Massachusetts are somewhat after the manner of "local option," except that direct nominations can be had only by special legislative enactment.

2. There is no State-wide primary; the only candidates for public office nominated by the direct system are three Congressmen out of fourteen; one Governor's Councillor out of eight; thirteen out of forty State Senators; one hundred one Representatives (Assemblymen) out of one hundred seventy-three; and municipal officers in certain cities by special enactment. County and State officers are nominated by the convention and municipal officers in the city of Boston by petition, without primary or caucus. The Councillor district, Congressional districts, and most of the Senate and Assembly or representative districts, having direct nominations, are within what is known as the Metropolitan district, Boston and vicinity.

3. Public sentiment does not demand, but prevents the extension of the system and the abolition of the county and State convention.

4. The direct system has proven unsatisfactory, after a trial of about nine years, for the nomination of municipal officers in the city of Boston, for the following reasons:

(a) The character and personnel of candidates has deteriorated.

(b) The expense to candidates has largely increased, and the poor man is practically prevented from conducting a personal campaign.

(c) The primary contests for nomination have become campaigns of personalities rather than principles.

(d) Party organization and party responsibility has decreased.

(e) The majority party only participates to any great extent in the primary, there being usually no contest in the minority party, and where the joint caucus is not had, members of the minority party participate in the majority party primaries to a considerable extent, so that frequently the primary vote in such party is larger than the vote cast at the election.

In the opinion of the closest observers of political conditions, including such men as Charles W. Eliot, former president of Harvard University, President Lowell of Harvard University, and many other independent, patriotic citizens, uninfluenced by personal political considerations, the direct system has worked very badly wherever tried in this State, except in small compact districts. The views expressed by these men compel the attention and careful consideration of the committee, and the evidence given by them in detail, as shown by the record, should be given the most careful consideration.

PENNSYLVANIA.

THE LAW.

As the various caucus acts of Massachusetts are models of complexity and lack of uniformity, the uniform Primaries Act of Pennsylvania may be regarded as a model of simplicity. It was passed at a special session of the Legislature and became a law February 17, 1906. At the same time, the Personal Registration Act, requiring personal registration in cities of the first and second class, was passed, so that the operation of the Registration Law and of the Primary Law were frequently confused by witnesses, who testified upon the subject.

Registration of voters is in charge of a Board of Registration Commissioners, appointed by the Governor, not more than two of whom shall be of the same political faith, and they in turn appoint registrars for the various election districts of the city, whose appointment is governed by substantially the same rules.

Registration is not conducted by the election officers and this method of appointing Commissioners of Registration and Boards of Registrars has proven quite satisfactory to all parties.

Election officers, or inspectors, are supervised by the County Commissioners, who in some respects have duties similar to our Boards of Supervisors, but all election officers are nominated at the primaries and elected in the usual way. There are nearly 1,200 election districts in the city of Philadelphia and substantially 3,600 election officers. The success of the appointive system, so far as registrars is concerned, has been so marked that there is quite a universal demand for the abolition of elective inspectors and a substitution of an appointive system similar to that of the registrars, and at the last election the Constitutional Amendment authorizing the Legislature to enact such law was submitted to popular vote.

Every applicant for registration must be assessed and pay either a tax upon property or a poll tax of fifty cents once in two years, and must prove to the Board of Registrars that he has paid such tax. The Constitution of the State prohibits the enactment of laws having special or local application in the conduct of primaries and

elections; hence the Primary Act applies to all parts of the State and requires that all municipal officers, county officers, members of the Legislature and members of Congress shall be nominated at the primary by direct vote; also that delegates to State conventions for the nomination of State officers and party committeemen shall be elected at the primary. Two primaries are held each year known as the winter and spring primary, the former for the nomination of local and municipal officers and the latter for the nomination of members of Congress, delegates to State conventions and the more important county officers. It is also provided that delegates to State and national conventions, except delegates at large to national conventions, which shall be elected at the State convention, shall be elected at the spring primary. The act does not apply to the nomination of candidates for presidential electors or to the nomination of candidates to be voted for at special elections to fill vacancies, but party rules may provide for the nomination of presidential electors at primaries. The primaries of all parties are held at the same time and place and the primaries conducted at public expense, which is paid by the county treasurer and he is reimbursed by the State Treasurer, so that the State Treasurer ultimately pays the entire expense of conducting primaries for the nomination of all candidates for office that are nominated at the primaries and for the election of all delegates to state and national conventions, as well as for all municipal officers. Town and borough officers may be nominated and elected by the method in vogue before the act took effect. A separate ballot is provided for each party and the names of the candidates for nomination are entered in separate "blocks" and alphabetically arranged under the designation of the office. These nominations are made upon petition, 200 names being required for member of Congress, judges of the courts, and state senator, fifty signatures being required for the State House of Representatives, and for officers to be voted for by the entire county, and ten signatures being required for the nomination for all other offices and for delegates to state and national conventions and for party officers. These petitions are required to be filed at a designated time before the primary. There is no party enrollment, and every qualified voter is entitled to receive the party ballot, which he calls for unless

challenged, and if challenged, he is required to swear that at the last preceding general election he voted for a majority of the candidates upon the ticket for which he calls; presidential electors are counted as individuals, and this enables a large number of persons who voted the national Republican or Democratic ticket to vote the same ticket at the primaries of the year following, although they may not ordinarily vote such ticket for municipal or State officers. The plurality vote nominates. There are five registration days each year. At the time of registration every applicant, who can write, is required to sign his name, and if challenged at the primary or election, he may be again required to sign his name, and a comparison made by the election officers, from whose decision there is no appeal that could be effective for the primary or election day.

It will thus be seen that every voter, if he performs his full duty, has seven distinct acts to perform each year, as follows:

1. Ascertain from the record that he has been assessed for a tax.
2. Go to the proper officer and pay the tax.
3. Appear personally before the board of registration and register.
4. Attend the winter primary in January.
5. Attend the spring primary in June, or in April in presidential years.
6. Vote at the spring election in February.
7. Vote at the general election in November.

Political committees find that their labors are constant and that citizens are liable to neglect some of those duties, unless they are constantly reminded, and their duties thus become very onerous. The frequency of primaries and elections, taken with the registration provisions, has created an almost universal demand for the abolition of the February election, so as to do away with one primary and one election and at least one or two registration days. A constitutional amendment was submitted at the last election for that purpose and carried by the vote of the people at the November

election, 1909, and will take effect in the year 1911, so that commencing with 1911 the officers who were formerly elected at the spring election will be voted for in November of the odd years, and State officers, members of Congress, etc., will be voted for in the even years. This will materially relieve both the voter and the political committees from the burden of so many primaries, elections, registration days, etc.

The Constitution provides for minority representation upon the board of county commissioners, and the present board in Philadelphia is composed of two Republicans and one member of the so-called "William Penn" party, a reform organization for municipal elections only, which cast more votes than the Democratic party in the city.

The first primary under this act was held in January, 1907, six primaries having been conducted under it.

Prior to the adoption of the Uniform Primaries Act the method of nomination of candidates for office was the usual delegate and convention system without any statutory control, but such caucuses and conventions were conducted according to party rule; in one or two counties, particularly Crawford and Beaver counties, the system of Direct Nominations had prevailed for some years. The primary ballots are all of the same color, but have the party name printed upon the outside and samples of these ballots are submitted with this report. The Primary Law was adopted largely because of the agitation of the reform elements in the city of Philadelphia, but when finally passed, was a compromise act acceptable to all parties. There is no special agitation for the extension of the system to include State officers and the abolition of the State convention. If a voter takes the required oath upon challenge at the primary, and should see fit to make an untruthful statement, it would be impossible to convict him of perjury for two reasons: First, he is entitled to protection because of the law relating to the secret ballot, and as he is the only person who knows how he voted, he could not be compelled to answer a question which might tend to incriminate him, and no convictions for a violation of this statute have ever been had.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN PHILADELPHIA.

The City Club, which is the nucleus of the Reform Association in Philadelphia, assisted the committee materially and took a great interest in the investigation.

The leaders of the Republican and Democratic organizations declined to appear before the committee and practically gave us no assistance, apparently not wishing to go on record on one side or the other of the controversy.

Mr. J. Henry Scattergood, one of the four members of the commissioners of registration, and Mr. Frank J. Gorman, the Philadelphia member of the county commissioners, gave to the committee, careful and detailed statements of the Registration Law and the Primary Law, and Mr. Gorman, while generally commending the Primary Law, was particularly frank and honest in his statement of weak features which had developed under the operation of the act during the last three years, and from his testimony the following facts appeared: The Republican organization of the city of Philadelphia is so largely in a majority that in all of the six primary elections they have succeeded in nominating everyone of the organization candidates, and not only this, they have in most instances dictated the nomination of the candidates upon the reform ticket, known as the "City Party," the "Philadelphia Party," and "William Penn Party," successively, and also upon the Democratic ticket.

When organization men have been nominated upon the reform party ticket, the reformers have pre-empted a new name and by getting a petition signed by two per cent of the largest vote cast for any candidate at the last preceding election, have thus been able to present their own candidate at the election. This is the explanation of change of name each year of the reform party since the passage of the Uniform Primaries Act. In many instances for minor officers, the organization has not filed the petition of any candidate against an independent candidate or candidates, but by concerted action on the primary day, without any apparent contest, has written in the name of its candidate and the independent candidate has thus been taken unawares and defeated.

At the June primary, 1909, there was a spirited contest for the office of District Attorney, Samuel P. Rotan being the organization candidate, and D. Clarence Gibboney being the candidate of the Reform party. Mr. Gibboney received the nomination of the William Penn party, and, although a Republican in national politics, he received the nomination of the Democratic party, contrary to the wishes of the Democratic organization, and came within 4,500 votes of receiving the nomination upon the Republican ticket. At the election which followed, however, the Democratic organization apparently did not stand by Mr. Gibboney, and he was defeated by a majority of something like 50,000. If the Reform party had acted within the ranks of the Republican party instead of having an independent column and instead of endeavoring to nominate their man upon a Democratic ticket, they undoubtedly would have succeeded in nominating their candidate on the Republican ticket.

There seems to be no method by which this practice can be stopped and the result is very destructive to the Reform party and the Democratic minority party.

The system has proven an absolute failure so far as the elimination of the boss and machine are concerned, and the Republican organization is perfectly satisfied, from their point of view as politicians, with the working of the system.

So far as the selection of candidates is concerned, there has been no marked improvement since the introduction of this system. An aroused public sentiment will compel the selection of better candidates under either system, and sometimes bad candidates have been withdrawn after nomination. The Republican organization have succeeded in every instance; it appears that the same officers have been nominated by the primary system that would have been nominated under the convention system.

In minor offices, however, selection of reputable candidates has been difficult. In very many instances, election officers, who have been tried and convicted for offences against the Election Law have been renominated, under this system, and re-elected.

Mr. Gorman stated that he had collected statistics of thirty election officials who had been convicted of election crimes and imprisoned, and of that number five or six, and possibly ten, had

their names printed upon the primary ballot and were nominated and elected in 1908. (Page 590.)

For the unexpired term of a school director the name of a woman of ill-repute was written in as a candidate for school director on the primary ticket of the Reform City party and was nominated. The fact was used to the detriment of the Reform party and was quite disastrous, for she became the regular nominee of that party and her name was printed upon the official ballot. There seems to be no way to prevent such occurrences. (Page 571.)

Although the law requires that the individual voter shall pay his tax, the money is frequently furnished by political organizations and this leads to abuse, scandal, and serves no useful purpose, according to the statement of Mr. Gorman.

The ease with which nomination papers are obtained frequently results in a multiplicity of candidates. For minor offices ten signatures only are required, and there is no provision of law requiring these signatures to be acknowledged or sworn to, so that frequently names are put upon the official ballot as a joke. (Page 620.) As many as thirty candidates for magistrate where only two were to be nominated, have appeared upon a single primary ticket. (Pages 554, 571.)

It is a common occurrence for members of one party to vote the primary ballot of another, and in a single ward at a recent primary 453 voted who were not qualified. (Pages 561-562.)

Mr. Gorman, who is an experienced commissioner, does not know of any amendment which can be made that will prevent this, and strongly objects to the system of enrollment in force in New York State, believing that it will prevent independent action that is frequently desirable to correct evils which may have grown up under the fostering care of a very strong political organization. (Pages 563, 566.)

At the first primary held after the law went into effect about sixty per cent of the registered vote of Philadelphia participated, there being an exceedingly hot contest over some of the officers. At the next primary about thirty per cent voted and at the next about forty per cent, the number participating depending entirely upon whether or not there is a strong contest over any particular candidate.

Mr. Gorman thought that the advantage of preferential position, where the names were put on in alphabetical order, was quite marked, but could not suggest any way to correct it. Under the convention system there was no expense to city or state, each party being controlled by its own rules and paying its own expenses in conducting caucuses and conventions. Under the Uniform Primaries Act the entire expense is ultimately borne by the State, and this notwithstanding a large portion of the expense is incurred by reason of the nomination of municipal officers. All bills are paid in the first instance by the County Treasurer and upon his certificate the State Auditor allows the bills and they are paid by the State Treasurer. The June primary of 1909 in Philadelphia cost \$97,000 and owing to the contest over the office of district attorney there were 153,000 votes cast. It has cost the public practically \$200,000 a year in the city of Philadelphia alone to conduct the primaries under the Uniform Act of 1906. (Pages 576-577.)

A peculiar condition has arisen under the provision requiring that party committees shall be elected at the primary. The court of common pleas has decided that a party is the sole judge of the qualifications of its own membership, and in several cases where a reform candidate or some objectionable candidate has been elected as the committeeman of another party, the party organization has refused to allow such member to participate in its deliberations, and the court has sustained such refusal. The result of this decision, which has not been questioned, is to make the election of party committeemen at the primaries a farce, to which nobody pays any particular attention, and it is practically optional whether the party elects its party committeemen or appoints them. (Page 601.)

Mr. Gorman is but twenty-five years of age and holds a responsible position as county commissioner with a salary of \$5,000 a year, having been nominated by petition after his defeat at the primary. He is well versed in all matters relating to the primary election laws, but had little experience under the delegates convention system. He believes that notwithstanding the weak features of the Primary Law this method of nominating municipal and county officers, congressmen, State senators and representa-

tives is preferable to the former convention system, and thinks that some of the evils which have arisen in the operation of the system will be eliminated with longer experience.

Mr. Howard A. Chase, a former county commissioner, affiliated with the Republican organization at Philadelphia, added some interesting statements from his experience and observation of the primary system in Philadelphia.

He stated that it would be little short of a miracle for a candidate who was not supported by one of the organizations to be nominated; in fact, he knew of no such instance; and an independent candidate for mayor, for example, could not make the canvas without the expenditure of a large amount of money. (Page 611.) He said that the Republican organization had no objection to the Uniform Primaries Act; that they had always succeeded under it, and had nominated the same men to office who would have been nominated if suggested by the organization leaders. Prior to the Primary Law it was not uncommon for fusion candidates to procure nominations and to be elected, although the Republican majority in the city was frequently 100,000. So far as its effect upon nominees and voters is concerned, he could not see any advantage to the body politic in the system, that it had not resulted in any respect in the overthrow of the boss or machine in the city or state. (Page 614.) He believed, however, that uniform primaries had come to stay, and advocated a combination of the two systems by which candidates for congress, State senators and State officers could be nominated by convention and in country counties the so-called Crawford county system, which has its advantages, might be continued. (Page 615.)

As ballots have to be printed for each organized party double the total number of votes cast for any candidate of said party within the election district at the last general election, and as under the law any organized party can demand as many additional ballots as they desire, the cost of printing is enormous and the number of official ballots printed for the winter primary of 1909 practically amounted to one for every man, woman and child in the city, or more than a million and a quarter. The expense of conducting the primaries, which has been stated to be about

\$100,000 for each primary or \$200,000 a year for both primaries in the city, is based upon the pay of the primary officers at one-half the rates received for the general election, and there is great complaint about this, as in many country districts the officers receive for the primary only about one dollar per day.

There is no limitation upon the number of nomination papers which a voter may sign, and the view is taken that it is anybody's privilege to go before the people as a candidate, and that the signature of the petitioner does not commit him to the support of the candidate at the primary. The ease with which new parties are formed by procuring only two per cent of the highest vote at the last election is deprecated by Mr. Chase, who thinks that the percentage should be as high as ten, so as to avoid so many party columns upon the election ballot, and the printing of so many separate primary ballots. At the last primary there were seven or more such ballots.

There is also much contention over the authority of the county commissioners to open the ballot boxes and recount the votes, as to whether their office is purely ministerial or judicial, and if upon opening the ballot boxes and finding that fraud has been committed they can make a new return and issue certificates to the successful candidate. At the time of our hearing in Philadelphia there were 380 cases out of 1,162 districts in the city of Philadelphia, in which frauds were charged at the primaries and the effort was being made to have the primary boxes opened and a recount made.

During Mr. Chase's term as county commissioner he sought to have the law amended so as to eliminate some of its defects, and in this connection had extensive correspondence with county commissioners and county commissioners' clerks in different parts of the State. Portions of some of the replies will appear at pages 630 and 631. One from Waynesboro, Green County, Pennsylvania (page 630) says, after reciting some suggestions for improvement in the law: "These are just a few suggestions, but for God's sake and humanity, improve over the former law." Another from Emporium, Cameron County, Pennsylvania, says: "In regard to the new primary election bill would say: If there

is not some change in the pay for the board it will soon be impossible to get any one to serve."

One from Norristown, Montgomery County, Pennsylvania, a county adjoining Philadelphia, under date of August 6, 1908, says, among other things: "As for myself, personally, I think the best change in the primary election would be to wipe it out entirely, as there seems to be very little virtue in it."

As no candidate had ever been successful in securing the nomination on the Republican ticket, unless he was backed by the Republican organization, Mr. Chase did not think that the character and standing of the men who had been nominated to legislative offices had been materially improved under the Direct Primary Act. (Page 633.)

Mr. John H. Fow, a lawyer of thirty-one years' standing and former attorney for the county commissioners, having supervision of primaries and elections, and also a member of the legislature for twenty years, gave the committee some interesting facts.

Mr. Fow is a Democrat and has made the study of election laws a hobby since 1889. (Page 635.) While in the Legislature he was opposed to the adoption of the Primary Law and is now opposed to it for the reasons which he states (page 636): That in this state before the adoption of this system each party helped each other to make nominations. Since the adoption of the system each party helps themselves to make nominations for other parties. He said that since the adoption of the system the Democratic party has never elected anybody, but before the system, in many instances, public sentiment was aroused to such a degree that the Democratic party, with the aid of the Independents, was able to elect some of their candidates. That in caucuses where the Republican party succeeded in putting Republicans upon the Democratic ticket Democrats would not support their own candidates, and this was very detrimental to party discipline. (Page 638.)

Party organizations back of a candidate assumes some responsibility for the character of the candidate, and if a bad nomination is made public opinion will defeat him. He called attention to the election of Democratic Governor Pattison twice. At the time of the enactment of the law the newspapers throughout the city and State were demanding the Uniform Primary and this had considerable to do with public sentiment. (Page 642.)

Another feature of the law condemned by Mr. Fow was the fact that it is necessary for a voter to ask for the ticket of a particular party when he goes to the primary. Many business men will not do this and many are deterred from asking for an Independent party ticket because of their fear of what the organization may do to them; he said that many had even advocated a blanket ballot in order to have it secret, but this, of course, was open to the objection that a voter could support any ticket he pleased without reference to party. He claimed that many men would not go to the primary because they had to say publicly, "Give me a Republican ballot, give me a Democratic ballot, or a William Penn ballot," and if they did not vote some other person would vote for them (pages 642, 643), although the Registration Law had reduced that to a minimum.

Another feature, which provides for the appointment of assessors who are required to get lists of names which are registered by proxy, was condemned. He said that they had been known to go to a graveyard and write down forty or fifty names they found on tombstones and one assessor was tried in court because he had on his assessment list "A. Canary," having seen one hanging in a barber shop window.

At the last primary the Democratic party was not permitted to name its own candidate for district attorney, but Mr. Gibboney, a Republican, was the successful candidate on the Democratic primary ticket, and two reputable lawyers who contended for the honor, were defeated. He also claimed that the successful nominees were selected long in advance by party organizations and were always nominated. (Page 646.)

Mr. Franklin S. Edmunds, a member of the school board of the city, took an opposite view, and claimed that in cases where Republicans were nominated upon Democratic tickets it was by the votes of so-called independent Democrats. Mr. Edmunds was connected with the Independent party of Philadelphia, and was a candidate for the nomination of receiver of taxes at the first primary in January, 1907, receiving the nomination of the City party and the Democratic party, although he had never been a Democrat. (Page 648.)

Under whatever system a nomination is made, good or bad

results depend upon the interest or lack of interest the people take in the situation. Mr. Edmunds believed that when the people are aroused the Direct Nomination system gives them a better chance to show their power and to bring about results which have not been given them in the delegate and convention system. However, prior to the adoption of this system, on several occasions, the people have been aroused and defeated the dominant party, but have not done so since the enactment of the Uniform Primaries Act. The reason for this, Mr. Edmunds thought, was because the people had not been aroused since January, 1907, except during the district attorney contest in the last six months. (Page 656.)

An unknown man, running independently for an important office like mayor and not supported by any political organization, would have little chance of nomination, and, if he made an aggressive campaign, would be required to spend a great deal of money. (Page 663.)

In cases where there are many candidates for a particular office there is considerable advantage in having one's name at the head of the group, as shown by an examination of the ballots marked by the voters at the primary.

He expressed a strong preference for a joint caucus or primary of all parties, so that it might be conducted by the regular election officers, as is done in Pennsylvania. There is no great agitation to extend the system to the nomination of State officers, but Mr. Edmunds thought there should be a larger number of signers to a nomination paper as many candidates were nominated purely as a jest, or for the purpose of having their names printed upon the primary ballot, all of which costs money and confuses the voters. (Page 668.)

Mr. Edmunds, while believing in national parties and organization along national lines, thought that party organization in State and municipality was of little use.

Another interesting witness was Hon. Daniel J. Shern, a Republican representative in the Legislature, having served in that capacity since 1903. Mr. Shern lives in the central part of Philadelphia, in a ward where there are a great many colored voters; they being a majority of the population of his district. He was a member of the Legislature at the time of the enactment

of the Uniform Primaries Act and a strong advocate of the system, and voted for it. He says that it was advocated by nearly the united press of Pennsylvania on the ground that the system of conventions was controlled by bosses representing the different party organizations, and that the delegate system was corrupt, and that Uniform Primaries or a system of Direct Primaries would remedy these defects in the delegate system, the theory being that every man was born equal and had a perfect right to go before his fellows for elective office; that there would be a great many individuals who would take advantage of the system of nomination. (Page 681.) But, he added, "I am sorry to say that it has not worked out in practice."

He further says: "I was a firm believer in the Direct Uniform Primary system at the time the bill was passed, because I felt that it would be the means of stimulating political interest among young men, particularly in the respective precincts or divisions of a ward, and in the wards there would be organizations formed by young men, who would take an active part in politics, and go before their respective electors for office. But since that time that theory, as I said before, has not worked out practically. It seems that an organization — either organization — the Independent or Reform organization, the Democratic organization, the Republican organization, of the ward and the city, agree on certain men, these men are usually nominated. We had one primary where the Republican organization agreed on certain men and nobody filed any nomination papers against them, so that we had a mixed experience of a Uniform Primary election with nobody to vote for except certain men who were agreed upon by the whole organization. The same thing applied to the Reform party. There was a magistrate to be chosen among the Independents, and there were about twenty or twenty-five individuals who desired to receive that nomination. They filed their papers, a good number of them, and subsequently they withdrew, and it narrowed itself down to two or three men, and the man that the organization — the Independent organization — agreed upon, was, of course, nominated." * * * "So that the Uniform Primary system, to my mind, has not accomplished the results which in theory it was thought it would accomplish, and it has also been an immense expense to this city of Philadelphia and the State of Pennsylv-

vania." In this connection, it may be repeated that it cost the city of Philadelphia about \$100,000 to conduct one primary in which there was practically no opposition to the organization candidates, and the fees of election officers are but one-half the rates allowed them at the election. (Page 682.)

Reference to specimen primary ballots filed with this report will disclose the fact that outside of the Republican party there is rarely any contest for a nomination, and yet ballots have to be printed and the formality of an election observed for the nomination of candidates by the City party, or Philadelphia party, or William Penn party, the Prohibition party, the Socialist party, and the Democratic party. It is true that at the last primary there was a contest for district attorney in the Democratic party, but it was not between Democrats, but between Gibboney, a Republican affiliated with the William Penn party, and two reputable Democratic lawyers, Ladner and Lank, one of whom would have, of course, been nominated if Gibboney's name had not been on the ticket.

At the same primary the only contest on the Republican ticket was for district attorney between Gibboney and Rotan, between two candidates for city treasurer and two for register of wills, and the organization candidate was successful in each instance.

Mr. Shern thought the system would work well in small country districts where the people were generally acquainted with each other; in a district containing a city and rural communities a candidate from a rural community would have no chance against the candidate from the city ordinarily. He cited the condition in Lancaster and said that the nominations there on the Republican ticket had been made for twenty years according to the dictation of the organization — the same since the adoption of the Primary Act as before. (Page 687). In regard to the *personnel* of the members of the Legislature, there had been no appreciable change — that just as able men were there before as since the adoption of the Primary Law. If, however, a so-called organization legislator should act contrary to the advice or suggestion of his leader or boss, and should consequently incur the displeasure of the organization to such an extent that they would oppose his renomination, Mr. Shern thought that the representative would have a better

chance of securing a nomination by an appeal directly to the people under such circumstances, but cited no instance where this had been done. (Page 690).

He took the position that he was in favor of the Uniform Primary Act because he believed the people wanted it, and not because it had accomplished any good (page 692). For the same reason, he said he favored the initiative, the referendum and the recall. As to the primary, he said: "If the people want it, let them have it, if they can stand the expense" (page 692).

Mr. Talcott Williams, an editorial writer upon one of the city dailies, a Republican on national lines, but allied with the Reform party, recited some of the evils of the convention system prior to the introduction of the uniform primary, and said that there were frequent charges of fraud and coercion at the caucuses. There were still fraud charges at the primaries, as evidenced by the proceedings then pending for the opening of some 380 primary ballot boxes in Philadelphia. He said that he thought that the Primary Law had not yet had sufficient trial to demonstrate its efficiency; that it had in no respect altered the control of politics, but thought it, in connection with the new election and registration law, had increased responsibility (pages 703, 706); that the law was not entirely satisfactory and a commission had been appointed for the purpose of codifying all the laws, including the Primary Law (page 708). The fact that there were two primaries in each year, and two elections, was burdensome to voters and to party committees, and he advocated the abolition of the winter primary and election, which, as has been stated, was accomplished at the election in November, 1909.

OPERATION AND RESULTS OF THE PRIMARY LAW IN HARRISBURG AND VICINITY.

The Committee held a short session at the Capitol building in Harrisburg, July 28, 1909.

The Auditor General furnished the following figures showing the expense of primary elections for the years 1907 and 1908, the figures for 1909 not being then available:

Winter of 1907	\$140,156 76
Spring of 1907	218,267 20
Winter of 1908	134,831 62
Spring of 1908	237,591 98
<hr/>	
Total	<u><u>\$730,847 56</u></u>

These figures cover only such part of the expense of holding primaries as are audited by the Auditor General's office, and it was a common complaint that the Auditor General refused to audit very many of the expenses paid by the county treasurers in the first instance, upon the claim that they were not authorized by law. At the 1909 session of the Legislature, a bill was passed increasing the pay of election officers for services at the primary to the same amount paid them for services at the election, but this law was vetoed by the Governor, upon the ground of lack of revenue. As before stated, the complaint is very general that the pay is inadequate, and in the near future it will undoubtedly be increased to the amount received by the same men while serving at elections, and this will double the expense to the State.

Mr. H. C. Oves, chairman of the Republican city committee in Harrisburg, stated that he thought the uniform primary was somewhat of an improvement over the delegate system, and that, if some of the weak points could be remedied, the system would be ideal, "if you could frame an ideal act." The main weak point in this primary is that it does not prevent the voters of one party assisting in the nomination of candidates of another party. He thought there might be objections to compelling a voter to declare his party affiliations at the time of registration, but, as

party chairman, he would like very much to have that done, as the voters, who then would register, the great majority of them, "would be the kind that can be easily induced to vote in any way you want them to" — that is, that the organization wants them to; that the better class of citizens would object to declaring their party affiliations. The operation of the system does not in any respect tend to destroy the organization of the dominant party, which is the party with the money and controls the primaries — not so easily as under the delegate system, but it simply requires the organization to spend more money and be a little more active, and also requires the individual to spend more money (page 788). Since the operation of the primary in Harrisburg, the organization candidates have always been nominated, as they were before, but with more difficulty and more expense; the morale of the candidates has not been improved. There has been no particular increase in the number of people who participate in the primaries for the reason that it is now much more difficult for a man to exercise his full franchise than formerly, and this is because of the registration feature, as well as the provisions of law requiring an assessment, two primaries and two elections.

The Republican organization still controls the county offices, and the individuals who have contested against the organization have not been successful under this system. The majority party in most of the primaries have been using the voters of the minority party to nominate their ticket, and this results to some extent in strengthening the majority party and weakening the minority party. (Page 792).

Sometimes there are a large number of candidates who file petitions, but "we reduce them by ways of our own to maybe two or three." There are more candidates now than there were under the delegate system, and sometimes reputable citizens file their petitions and stick it out to the finish, thinking that the people may change and overthrow the organization.

Harrisburg has a population of about 80,000 and one town in Dauphin county outside of Harrisburg contains about 20,000. The organization sometimes allows a nomination to be made outside in order to keep its supporters in good humor. Mr. Oves did not think it was impossible for an independent candidate

outside of the city or even in the city, to be nominated, but in the six primaries already held it has not happened. He would have to make a personal campaign and expend a very large amount of money. Mr. Oves did not advocate the increase to the number of signers to the petition for nomination, and thought that everything should be done to make it as easy as possible not only to vote, but to get out a large number of candidates of as good quality as possible. Sometimes undesirable men have easily secured the required number of signers on a petition solely for the purpose of being induced to retire. (Page 798.)

In regard to participation in the primaries, the percentage of voters attending depends entirely upon the contests and issues. There have been primaries in Harrisburg where the total number of Democratic votes polled were less than 500, and at the primary of June, 1909, the total of all parties was only about 1,500 out of about 12,000 votes cast at the last municipal election. (Page 800.) Mr. Oves thought that the people were better satisfied with the present system, although not an ideal system, than they were with the old delegate system, for although they were obtaining the same results they feel better satisfied, thinking that they have had some voice in party nominations.

Mr. William L. Loser, a Republican member of the common council of the city, and sometimes acting as an Independent, believed that the Uniform Primary Act has been decidedly satisfactory to the people, in that it had given the individual who wishes to be a candidate independently, the hope of being nominated. Mr. Loser was nominated as an Independent in a ward containing about 600 voters. He thought that to some extent it had corrected the evils that had grown up under the convention system so far as it applies to city and county officers, and that it is not so easy for the organization to control nominations now as formerly. In order to do so they must spend more money and be more active. So far as the individual is concerned he did not think that there was the necessity under this system for the expenditure of money on the part of the man who was not affiliated with or selected by the organization as there would be under the old plan, although he might have to make personal appeals to the voters throughout his district. He thought there

should be rigid legislation prohibiting members of one party from assisting in the nomination of candidates of another, but could not suggest remedial legislation that would be effective.

Upon the invitation of the Committee witnesses attended from the city of York, York County, a distance of twenty or thirty miles from Harrisburg. Among them was Samuel E. Lewis, postmaster of York and private secretary to the congressman of that district. Mr. Lewis has been quite active in politics in that locality for several years and has had unusual opportunities of observing the workings of the Uniform Primaries Act and of the delegate and convention system prior thereto, in a county in which there is a city of about 50,000 and considerable rural territory. He said that one of the conditions arising in such a county was that the centers of population control the nominations. York is a Democratic county but the city is about evenly divided, with normally a small Democratic majority. According to his observation the character of the candidates selected in that county under this system was below that of those selected under the old system. In one case a candidate got before the people who had been regarded as mentally unsound, and there being no especial interest in the primary his name appeared on the ballot and he received the nomination.

The organizaion, however, had controlled the nominations even better than before, and there is no wail going up from the camps of the organization against the law. (Page 814.) Sometimes there was a large number of candidates for the nomination. In one case some twenty or thirty for the office of county commissioner and one of the successful candidates received about 1,700 votes out of 8,700 and the other about 1,500. Mr. Lewis said that it was a good deal more expensive for the candidate under this system and that he did not see how a poor man could go into a contest for a nomination for county office. The Republicans, however, were in the minority and there were not many contests for nomination so that the organization candidates were usually unopposed, and because of this they were able to distribute the candidates throughout the district quite as well as under the former system. Reputable men, however, were more reluctant under this system to become candidates of the minority party where there

was any contest, not wishing to go through two strenuous campaigns. The present Congressman O'Pheney is a Republican elected in a Democratic district, first under the convention system when he knew nothing about the proposed nomination. He has represented the district for four terms. He would have declined to go upon a primary ticket and enter into a contest for the nomination. Under the former system there was a tentative agreement between York County and Adams County, that York should have the member of congress for four terms and Adams county for two terms — York having a population of about 150,000 and Adams of 35,000, but under the Primary Act it will be impossible for Adams County to get a representative because there are more Republican voters in the city of York than they have in the whole of Adams County. (Page 810.) Mr. Lewis said that the "heelers" or "leachers" who are always seeking to obtain money from candidates if possible, are heartily in favor of the Uniform Primaries Law, for the reason that when there is a great number of candidates for office they can get a few dollars from each one and in that way the sum total received is a great deal more than they could get under the old system; under that system they could get nothing at all until after the nominations were made. Now they can "bleed them twice instead of once." (Page 832.) He recited one instance of a ward "heeler" or worker who said: "Here is where I get in my winter's coal, that is a good big list of candidates; I will get two dollars from this one and two dollars from that one; and he totaled about forty of them at two dollars apiece. Then he went to every candidate and said 'This fight ought to be worth five dollars,' and figured out that he ought to be able to make \$140 out of these candidates. I know he did this very thing because I have heard different unsuccessful candidates afterwards state: "Why I gave that fellow so and so to do certain things in his particular precinct only to find that I did not get a vote there." Another candidate for the same office had given him a like amount. This practice is very common because of the length of the campaign.

State Treasurer Sheatz, whose official residence is Harrisburg but legal residence in Philadelphia, was before the committee, but was unable to give us much information as to the operation of the

Primary Law elsewhere than in Philadelphia. He thought, however, that eventually it would cure abuses in the city of Philadelphia when the people once realize the power they have under it. (Page 821.) The ease with which the members of one party nominate the candidates of another is not desirable and ought to be corrected.

Mr. Fred Weist, former district attorney of the city of York, and chairman of the Democratic committee, stated that the Primary Law had fallen far short of expectations. Some of the abuses and practices under the delegate system, such as bribery of delegates, was now impossible, but money was now in large measure used with the voters and workers, and the expense under the Primary system was largely increased. In some cases worse candidates than could have been selected by the conventions had been nominated by all parties. Mr. Weist thought that the people of his locality generally still had some hope that things would improve under the act, but among those who had taken an active part in politics they think as a general thing the act has been a failure. (Page 824.)

So far as the Democratic party is concerned, it had usually nominated its candidates for the important offices.

The voters are usually quite indifferent to the primary unless they have some particular interest in the nomination or some friend they desire to place on the ticket, and this would happen as well under the old system as under the new. Throughout the rural districts the people come out very poorly to the primary elections.

Mr. E. S. Hugentugler, assistant postmaster at York and a resident of the city for about thirty years, and for about ten years secretary of the Republican county committee, stated that the Direct Nomination feature of the Uniform Primary Act, speaking from the people's standpoint, is a dismal failure. "So far as the organization is concerned, it is better. The organization can do just about as they want with the new Primary Law." It eliminates the better class of candidates from running for office for the reason that they do not want to undergo the worry and expense of a long campaign and do the personal hard work necessary for success. It is a pure and simple campaign of personality rather

than of principle, in which the self seeker will win out if he wants to. He claimed that the majority of voters are opposed to the Primary Act and say that it is an imposition on the taxpayers and the voters. "We have lots and lots of people who will not attend the elections at all." At the primary before the presidential election only about 3,000 or 4,000 votes out of 14,000 or 15,000 were cast, and there were a number of candidates on the ticket. At the general election in the city of York, out of more than 12,000 votes only about 9,600 were registered. Business men do not wish to express their political belief in asking for the ballot of a particular party and will not attend the primary for that reason. They shun the idea of announcing publicly that they are affiliated with one or the other. (Page 828.) There is not the same opportunity under this law of the office seeking the man as there is under the convention system. The expense is doubled. A year ago it cost one man \$800 for a nomination to an office which paid \$500 or \$600. Mr. Hugentugler objected to the primary being held in June so long before the election. In the city where the "soaks" and "floaters" are, they have the candidate spotted for four, five or six months, and it makes life miserable for him.

The Committee endeavored to obtain the presence of Mr. H. C. Niles, of York, who was the practical organizer of the Lincoln Republican party. At the request of the counsel of the Committee Mr. Lewis interviewed Mr. Niles who was unable to be present, and Mr. Niles said that he thought the Uniform Primary had accomplished some good, but had not resulted in the good which was expected or anticipated.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN PITTSBURG.

Mr. William J. Brennan, an attorney of Pittsburg, and with the exception of one year chairman of the Democratic county committee for the past twenty-seven years, expressed his disapproval of the Uniform Primaries Act in very vigorous language, so far as its effect upon the Democratic party, which is the minority party in the city and county, is concerned. The Republican majority in the county is about 40,000 and in the city from

20,000 to 25,000. He characterized the act as "freak legislation, which either came from the west or the Antipodes," and said that it was his observation and conviction that the evils which it was claimed existed under the convention system were not corrected but aggravated; that there was no special objection in Pittsburg to the delegate conventions or the candidates named, but the objections came very largely from the city of Philadelphia, and the agitation there resulted in the enactment of the law. (Page 838.) Its operation in Pittsburg was to increase the strength of the majority party organization and to decrease and tend to destroy that of the minority party. This was largely due to the fact that the minority party assisted in the nomination of the majority party candidates. Under the former system it was sometimes possible for the minority party after the majority party had made its nomination, to select a better candidate and succeed, but the Democratic party had never succeeded since the Uniform Primary went into effect, as had before happened with the aid of the Independents.

At the last primary at least 12,000 Democrats voted the Republican primary ticket. In almost all cases the so-called organization ticket of the Republican party was successful, but the evidence of Mr. Brennan and others disclosed an unusual and extraordinary situation that developed in the June, 1909, primary. Mr. Archibald Mackrell, who had been a public official and deputy sheriff for a number of years, was an experienced and able man, and against whom there was no charge of dishonesty or incompetency made by any one, was a candidate at the primary of the Republican organization for the office of sheriff of Allegheny county. The office of sheriff is second in importance to that of mayor, the population of Pittsburg being made up to quite a large extent of mill employees, of whom a very large per centage are foreigners. The salary is \$8,000 per year. There was apparently no opposition to the nomination of Mr. Mackrell in the Republican ranks, but without previous announcement a young man by the name of Judd H. Bruff, twenty-eight years of age, unknown to the community, became an aspirant for the office. Mr. Bruff had served as a private soldier for eighteen months in the regular army in the Philippines and for some time before

the June primary was employed as a freight brakeman upon one of the railroads leading into Pittsburg. His education and qualifications for the office were unknown, but he was a member of the Trainman's Union, having a membership of 12,000, and as there are about 25,000 railroad employees in Greater Pittsburg, his position appealed to them, and he made a personal canvas throughout the city, basing his claim solely upon the fact that he had received from the United States government a very small compensation for his services as a soldier, while Mr. Mackrell during his long term as a public officer in one capacity or another, had received thousands of dollars, the amount of which was greatly exaggerated by the printed matter sent out by Mr. Bruff, and also by the newspapers. The Republican organization did not anticipate any danger and little attention was paid to the candidacy of Mr. Bruff. The Pittsburg Leader, a prominent independent newspaper, vigorously supported the candidacy of Mr. Bruff for reasons which were not known during the campaign preliminary to the primary. As above stated, Mr. Brennan, the chairman of the Democratic county committee, says that not less than 12,000 Democrats voted the Republican primary ticket and the result of the vote showed that Mr. Bruff had 37,533 votes while Mr. Mackrell polled only 19,238 votes, and Bruff was accordingly nominated. How Mr. Bruff could conduct such a campaign, being a man without any means whatever, was a mystery to everybody until after the campaign was over when, under the Corrupt Practices Act, he filed his statement showing that he had expended \$13,000 or \$14,000 upwards of \$7,000 of which was contributed by ex-Senator Flynn, who was a political enemy of Mr. Mackrell, and the balance, it is understood, was also borrowed from Mr. Flynn. The general belief is that the campaign cost much more money than this, and it was stated that between \$4,000 and \$5,000 was paid for the personal advertisements of Mr. Bruff to the newspapers, particularly the Pittsburg Leader. This remarkable result was brought about by the apathy and sense of security on the part of the Republican organization which existed because of their uniform successes at the primaries. The friends of Mr. Bruff, particularly Mr. A. P. Moore, who is connected with the Pittsburg Leader, used this circumstance as one of the

proofs of the efficiency and desirability of Direct Nominations system (page 888), while Mr. Brennan characterized it as the "rule of the mob, substituting instead of party organization or party responsibility the rule of the mob," and thought that the fact that ex-Senator Flynn had contributed so large an amount of money for the conduct of his campaign would put the successful candidate under great obligations to a political leader.

Mr. Brennan thought there should be some remedial legislation to prevent the members of one party from voting the primary ticket of the other, but this was opposed by many because it prevented independent action, and also made it necessary for voters at the primaries to declare their politics in public, which many were disinclined to do. They were also frequently annoyed by a multiplicity of candidates, and in such case when they were arranged alphabetically upon the ticket the first name had a distinct advantage, such position being worth twenty per cent of the vote, if there is a bitter fight. The people are unable to discriminate. (Page 849.) This multiplicity of candidates was frequently brought about by an attempt on the part of active candidates to induce others to run for the purpose of reducing the vote of his adversary in particular wards. Mr. Brennan did not think that it necessarily followed because one candidate received a plurality of the votes at a primary that the people had made the best selection for that particular office; that more than three-fourths of the time they would make the worst selection, due to the personal activity of the candidate himself and the expenditure of money. He commended the Legislature of New York for instituting this investigation.

Upon the Republican primary ballot used in the Bruff-Mackrell contest we have also entered the votes cast for the candidates for jury commissioner. Eight candidates contended for this office and the total number of votes cast was 50,462, of which the successful nominee, Bart Fleming, had 17,622, and the other candidates together received 32,840.

This furnishes an illustration of the result where there are numerous candidates and the vote against the successful man is split to such an extent that he is nominated with a small plurality; in other words, there were 32,840 votes against Mr. Fleming

and 17,622 for him, but notwithstanding this fact he is still regarded as the candidate of the Republican party. Upon the Republican primary ticket for the primary held in April, 1908, there were eighteen candidates for representative in general assembly, of whom four were to be nominated. The total vote cast was 57,742, of which the four winners together received 27,532, and all others received 30,210.

Upon the same ticket there were nine candidates for county commissioner, with two to be nominated. The total number of votes cast for all was 155,596, of which the two successful candidates together had 67,108, and all others 88,488.

The primary ballots of the Socialist party and Prohibition party show no contests in any of the offices.

Mr. W. S. McClatchey, chief clerk of the county commissioners, having charge of primaries and elections, stated that he had observed the added strength because of location of the candidate's name upon the primary ballot; in one instance among the candidates for delegate to the Republican convention, a man practically unknown, by the name of Allen, ran the highest of any candidate on the ticket. The organization candidates, however, in the case of representative in General Assembly, where there were eighteen candidates, were all nominated regardless of their location upon the ticket. Since the law went into effect he knew of no case where the organization candidate had been defeated for any important office, except the case of sheriff in the last primary. There were a number of councilmen in the city under indictment who had been renominated under the Direct system, after indictment. (Page 864.)

One of the most careful and interesting witnesses before the Committee at Pittsburg was Mr. Lee S. Smith, a Republican in national affairs, but independent as to local affairs. Mr. Smith is a dental supply manufacturer and dealer in dental works, and for two years has been president of the chamber of commerce of the city of Pittsburg. He said that under the old system of delegate and convention the party in power, because of dishonest election officers and elections, had become abominably corrupt, and thought that the new law had to some extent corrected this situation. He stated, however, that the convention system was not

regulated by statute and thought that the influence of the bosses in the primaries had been lessened. He thought it was problematical whether the present system resulted in the selection of a better class of candidates, and under the old system when bad nominations were made by the dominant party they were defeated at the polls, which happened about every third year.

"The present system is an awful expense on the candidate," said Mr. Smith; "one of them spent \$32,000 and was defeated as a candidate for mayor at the primaries." (Page 872.) The salary is \$10,000 a year for three years and no longer. His opponent spent over \$20,000.

Referring to the Bruff-Mackrell contest, Mr. Smith said (page 878) "that there were no charges or suggestions that Mackrell had not been a competent and efficient officer; the only charge I heard occurred in their advertisements; they harped more that this young man had gone to the Philippines and fought for his country when they needed men, and that he had never held office, and he had only received thirteen dollars a month for his services; they harped on that and it seemed to strike a popular chord, and it was one of the most astonishing things that ever happened; I never knew anything like it myself." That the principal cry was that the "other man had been for twenty-five or thirty-five years an office holder and he had received so many thousands of dollars, and this young man had never had anything and gone and offered his life on the altar of his country and went to the Philippines, and that seemed to strike a popular chord and swept him into nomination." "There are a great many men who would make the very best officers in the world, men who would not ask you to vote for them and never get it; as an illustration, I say that the best men are often those who would not ask for office, and who would not announce themselves. Such men would not enter such a primary and fight as was done in the case of the man who spent \$32,000 while his adversary spent \$20,000; they placarded the city from one end to the other with the merits of themselves. One of them was called 'Honest John' and he had himself heralded on little go-carts going through the streets placarded with 'Honest John.' Now no honorable citizen would want anything of that kind. While the other was going around and they were black-

mailing each other and throwing mud at each other in such a way that no honorable, upright business man would want to do or would do to get office." (Page 881.)

Mr. Smith admitted that he had been requested to be a candidate for mayor, but would not undertake a contest of this kind. In summing up his position, Mr. Smith said that if a convention could be honestly conducted it would be more likely to get good men for public office, and assuming that both primary and convention were equally, honestly and fairly conducted, he would prefer the convention for this reason. (Page 882.)

Mr. A. P. Moore, to whom reference has been made above, vigorously contended for the Direct Nominations system, and for its extension to State officers.

He also stated that he believed in the initiative, the referendum and the recall. "I believe in letting the people absolutely rule." Q. Get together and make their own laws? A. Yes, sir.

Honorable William A. Magee, the present mayor of the city of Pittsburg, who was State senator from 1902 to 1905 and a member of the Pittsburg council from 1898 to 1901, stated that he had observed the working of the Uniform Primaries Act very carefully. (Page 901.) He thought that a great benefit had been derived from the passage of the law, which was really independent of the Direct Voting system, as the act of 1906 provided safeguards relating to the purity of the election and the casting of votes by the voter independently. Previous to the passage of this law Pennsylvania had no statute governing primary elections, except that there was a penalty provided for fraudulent voting, and the election law was without any protection against fraudulent voting and fraudulent counting. There was no registration of voters except it was provided under the rules of the parties; the result of this was that up until 1905 the people in very few instances took any part in the primary elections. The political organizations took complete charge of the primaries and only those persons voted who felt some particular interest in the particular election. The primaries did not excite general interest. (Page 902.) The Republican county committee of Allegheny county in 1905 adopted the Direct Voting system, but was not able to make any effective reform in the election machinery system. (Page

903.) There was no opportunity for an Independent who either was opposed to machine politics or who was not a part of the machine, to make any headway in any aspiration he might have to go on the party ticket. The result of all that was that the majority party here, the Republican party, for a period of five or six years, was regularly defeated twice a year. (Page 904.)

The first primary election held under the party rules brought out a large number of votes, but there were charges of fraud, bribery, corruption, intimidation etc., and shortly after the Uniform Primary Act was adopted at the special session.

Mayor Magee noted several defects in the law:

First. The voting of the majority party ticket by thousands of members of the minority party.

Second. That a large proportion of the voters will not abide by the primary, and if unsuccessful, will file independent nominations, which makes a multiplicity of candidates at the election as well as at the primary.

Mayor Magee thinks there is no use of a primary unless it carries with it the support of all the persons who participate in it. (Page 909.)

Third. The plurality nomination in which a successful candidate may receive only a small percentage of the total vote. "I can easily see," said the mayor, "how a very bad man might be elected to a very important office, unless something or other was provided in the rules to get the real sentiment of the majority of the people." (Page 911.) The suggestion which has been made of requiring the voters to exercise a second choice, the mayor did not approve. "I do not believe the suggestion about voting a second choice is a feasible one. I think there are, I say it very frankly, I say there are some voters who do not know how to vote for a first choice. My opinion is that many voters must be advised. We have an enormous foreign population in this community, many of them who cannot read English, and many of them who cannot read their own language, and sometimes if they can read they do not know enough about the issues involved or about the candidates before the people to exercise an intelligent choice." (Page 911.)

The mayor added that the result of the primary election as

he saw it in Allegheny county and in Pittsburg is merely to bring about a more or less imperfect way of selecting party candidates, and it results in compelling two elections. He thought that where the party sentiment was so overwhelmingly in favor of one party and against the other, the primary election ought to be decided in the general election; one ought to end the other. He said the law is popular principally because it gives an honest primary election.

The mayor commented upon the Bruff-Mackrell contest and in conclusion said (page 914): "This young man, a young man that no one knows anything about, that no one knows whether he has qualifications for this important office or not, knows about his ability, about his training, about his temperament, or anything else, beat this old political war horse two to one. Now I say that this young man may turn out to be the best office holder that ever was, but what I say about that primary is that the people did not know that; those who voted for him did not know that he has the qualifications to fill the office. Now under the old time convention system no political organization, no matter how much bossed it was or how perfectly controlled the machinery was, would dare to put out before the people an unknown young man like this as a candidate for an important office of that nature; would not dare to do it." (Page 916.)

He also commented unfavorably upon the operation of the law in the selection of judges in the courts, and spoke of the agitation for a new court of common pleas in the city, which meant the election of three judges and provided for the holding of a primary to select the candidates. The bill did not pass, but in anticipation of its passage there was a very undignified scramble among great numbers of members of the bar for the places. The petitions of more than a dozen lawyers were filed after the bill was passed by the Legislature and before it was vetoed by the governor. Prior to the Primary Act "there has always been an attitude of dignified reserve on the part of men to allow their names to be considered as candidates for judge. And this system is going to produce a different state of affairs; the men I'm afraid hereafter who will want the judicial nominations, will be the best hustlers or the most popular men rather than the most able."

The mayor stated in answer to a question, assuming that the primaries could be safeguarded by proper legislation and honestly conducted, and that delegates to our conventions are thus selected, which conventions select the nominees of the parties for the consideration of the people, that his own belief is that the convention system with a bi-partisan board and with all the safeguards to bring out a fair election, will result in the choice of more capable men for the offices." (Page 920.) But he questioned the advisability of a return to the convention system as it would drive away the casual and independent voter from the primary and there might be a return to the unfortunate conditions prior to the Primary Act. He thought that ultimately the people would have a Direct Primary Law, but whether or not such a complicated thing as this can at this time be submitted to the votes of the people was the real question; that in some ways it had produced most excellent results and in other ways it had not produced good results, and that he was a little bit afraid that Pennsylvania had been too previous about it. "I want you to understand," said he, "that the Direct Primary Law was not the result of a demand for a direct vote, but was the demand for honest primary elections." * * * "We passed a Personal Registration Law, a Corrupt Practices Act and a Direct Nominations System all at one session." (Pages 929, 930.)

Mr. W. H. Coleman, the clerk of the courts of Allegheny county, furnished the Committee with the expense statements of the candidates at the June primaries, 1909, some of which are interesting:

NAME AND OFFICE.	Expense.	Salary.
Mackrell, Sheriff	\$443 00	\$8,000 00
Bruff, Sheriff	\$13,512 08	8,000 00
Magee, Mayor	18,282 07	10,000 00
Steele, Mayor	32,009 45	10,000 00

March Primaries, 1908.

Coleman, Clerk of Courts.....	\$3,021 61	\$6,000 00
Dodds, Clerk of Courts.....	2,009 60	6,000 00
O'Neill, Commissioner	3,727 75	6,000 00
Brand, Commissioner	3,551 50	6,000 00

NAME AND OFFICE.	Expense.	Salary.
Copp, Commissioner	3,057 33	6,000 00
Bryce, Commissioner	1,529 84	6,000 00
Toole, Commissioner	1,194 13	6,000 00
Fairman, Recorder	600 00	6,000 00
Swan, Recorder	1,954 25	6,000 00
Cunningham, Comptroller	3,859 87	6,000 00
Booth, Comptroller	4,141 57	6,000 00
Stern, Register	5,787 36	4,000 00
Edwards, Register	2,831 62	4,000 00

Mr. W. H. Stevenson, a merchant and an independent Republican, spoke strongly in favor of the Primary Law as contrasted with the former conditions under the convention system. He also stated that he was strongly in favor of the initiative, the referendum and the recall (940). He thought that the State Legislature should not pass laws that restricted the government in a city like Pittsburg. That they were very much handicapped and restricted by that means. He believed in a pure democracy. He also stated (948) that he would modify his views in this respect "that if you could safeguard the delegate system from corruption and influence that you probably could get better results than you could in a general way from these incompetent voters that we have here, because we have — you know where a manufacturing district like Pittsburg every fourth man that you meet on Fifth avenue, or Wood street, or Smithfield street, is a foreigner — you walk down the street here and every fourth man you meet is a foreigner and it takes him a long time to understand, and he don't understand many times the value of the franchise, what he is voting for." There is no way under the uniform primary for the minority party to select a good candidate as against a bad candidate, who may have been selected by the majority party, since the primaries are all held by both parties on the same day (953).

Mr. Stevenson said that he had seen the minority party practically wiped out at the primaries, not that they did not vote, but that they voted the Republican ticket, and regarded that as a very unhealthy condition of affairs (956).

OBSERVATIONS ON THE PENNSYLVANIA SYSTEM.

1. The Uniform Primaries Act does not include State officers, or United States Senators, but includes delegates to State conventions; there appears to be no popular demand for the extension of the system to include State officers and the abolition of the State convention.

2. The uniformity of the system so far as applicable is a desirable feature, and in general, the method of nomination under this law, as contrasted with the former delegate and convention system, unregulated and uncontrolled by statute, is an improvement over the old method, so far as orderly procedure is concerned, and has increased the interest and attendance of voters of the majority party at the primaries.

3. The operation of the system is very expensive to the State, expensive to the individual candidates and practically prohibits a man without means from aspiring to an important office in a large district. The expenditure of large sums of money by candidates in furthering the candidacy of an individual by newspaper advertisements, mailing of circulars, posting of lithographs, etc., seems to be the only way in which an unknown person can make his commendable qualities known to the large mass of people within his district, but the heat of the campaign is very likely to result in the use of money in such ways as will have a corrupting influence upon the electorate.

4. Two primaries and two elections with necessary registration and assessment laws were burdensome to voters and party committees alike and one of these was, by popular vote at the election in November, 1909, abolished.

5. The nomination by the direct method and the election of the election officers by popular vote in large cities, is undesirable, and better results can be obtained by the appointment of these officers, and the primary ticket thus be relieved in a city like Pittsburg from the nomination of about 3,500 election officers.

6. In the six trials of the uniform primary, the majority party has succeeded, with the exception of a single notable instance in Pittsburg, in the nomination of all its candidates for important offices, and has done this without exception in the city of Phila-

delphia, and there has been no successful fusion against the majority party since the act went into operation.

7. In some instances a large number of candidates has operated to dissipate the vote to such an extent as to cause the nomination of unknown or undesirable candidates by a small plurality vote; this multiplicity of candidates arises in many ways:

(a) Through the efforts of candidates desiring to reduce the vote of their strongest adversary in particular localities.

(b) Through the personal ambition of individuals to secure official position.

(c) Through the willingness of some men to become candidates for the purpose of being induced for a money or other consideration to withdraw before the primary.

(d) Through the practice of certain individuals in placing names upon the ticket as a practical joke.

8. There has been no marked improvement in the character or *personnel* of candidates and public officials selected by this method.

9. There being no party enrollment law, it is easy for a member of one party to vote the primary ticket of another, unless challenged, and this has been practiced to such a large extent that the minority party assists the majority party in nominating its candidates, and the majority party frequently names or dictates the nomination of the minority party candidates for principal offices; thus it is no uncommon thing to find a Republican running as the regular candidate of the Democratic party; this results in the disintegration of the minority party, and the general result of the operation of the system in Philadelphia has been the strengthening of the majority party organization and the weakening of the minority party.

10. The names of candidates are placed upon the primary tickets in alphabetical order and where there are many candidates for a single office, those at the head of the ticket have a decided advantage over those whose names appear further down; it appears, however, that the so-called organization candidates have succeeded, no matter where their names appear upon the primary ticket.

KANSAS.

THE LAW.

The Primary Election Law of the State of Kansas was passed at a special session January 28, 1908, and approved February 1, 1908. It provides that a primary shall be held on the first Tuesday of August, 1908, and biennially thereafter, for the nomination of all candidates to be voted for at the November election, and on the first Tuesday of March, 1909, and annually thereafter in all cities having 10,000 or more population, for all candidates to be voted for at the next ensuing city election. It will thus be seen that in counties having no cities, a primary election will occur once in two years and in cities of 10,000 or more, there will be a primary election every year and two every other year. The word "primary" under this act means the primary election provided for therein. All candidates for elective offices are required to be nominated by the primary held in accordance with the act; or by independent nomination papers signed and filed as provided by the existing statutes; the person receiving the greatest number of votes at a primary as the candidate of a party for any office other than United States Senator, shall be the candidate of that party for such office, and his name shall be placed upon the official ballot at the ensuing election; if there is a tie vote, the boards of canvassers shall determine the tie by lot. The candidate for United States Senator receiving the highest number of votes of his party in the greatest number of Representative and Senatorial districts of the State shall be the nominee of such party. The Primary Act does not apply to special elections to fill vacancies, nor to school district meetings for the election of the school district officers, nor to city elections where the population is less than 10,000. All candidates for office must file nomination papers signed by voters, who declare that they intend to support the candidate therein named and that they have not signed and will not sign any petition or nomination paper for any other person for said office, and there must be attached the affidavit of a qualified elector in the community, to the effect that the signers are electors of that precinct and that the affiant intends to support

the candidate therein named. To entitle such nomination paper to be filed it must be signed, if for a State office or for a United States Senator, by at least 1 per cent. of the voters of the party of such candidate in at least ten counties of the State, and in the aggregate not less than 1 per cent, nor more than 10 per cent. of the total vote of his party in this State, or by at least 1 per cent. of the total vote of his party in each of twenty counties.

If for a district office by at least 2 per cent. of the voters of the party designated in at least one-tenth of the election precincts and in the aggregate not less than 2 per cent. nor more than 10 per cent. of the total vote of the party designated in such district. If for sub-district office or for county office by at least 3 per cent. of the party vote in at least one-fourth of the election precincts of such sub-district or county; and in the aggregate not less than 3 per cent. nor more than 10 per cent. of the total vote of the party designated in such sub-district or county. If for a county precinct committeeman, by at least 10 per cent. of the party vote in such precinct. The basis of percentage shall be the vote of the party for Secretary of State at the last preceding State election. In the case of the nomination for city offices, 5 per cent. of the party vote in each of at least one-fourth of the election precincts of the city is required and in the aggregate not less than 5 per cent. nor more than 10 per cent. of the total vote of the party designated in such city. There are similar provisions for the nomination for councilmen and precinct committeemen.

The ballots are printed at public expense and the nominations are placed thereon alphabetically under the appropriate title of each office and party designation.

The general provisions of the Election Law control the conduct of the primaries. There are separate party tickets and also a blank ticket, on which shall be printed the titles of the officers to be voted for by the electorate at the polling place for which the ticket is printed. Each voter is required to ask for the party ticket he desires to vote and is entitled to receive it unless challenged, in which case, he must take an oath to the effect that he is a legally qualified voter and a member of and affiliated with the party whose ticket he demands, and that he has not signed the petition of a member of any other party, who is seeking nomina-

tion at this primary election, nor of an independent candidate. Party organization and government is provided for by the election of county precinct committeemen constituting a county committee, which shall elect its own chairman, and this chairman becomes *ex officio* a member of the State committee and of each of the several party committees of the district within which his county is situated.

The State convention or State party council, as it is called, of each party is required to meet at the Capitol on the last Tuesday of August after the date on which any primary is held preliminary to any November election, thus making necessary a meeting of such party council once in two years. It is made up of the candidates for various State offices, for United States Senator, for members of the National House of Representatives, for the State Senate, for the State House of Representatives, the national committeemen, and the chairman of the county committees of the several counties of the State. They are required to formulate the State platform of their party, change or alter the party emblem; this platform must be formulated and made public not later than six o'clock in the afternoon of the day following their adjournment. Such party council continues for two years and has power to call special meetings and perform such other business as may be consistent with the provisions of the Primary Act, but no member of such council shall be represented by proxy.

The expenses necessarily incurred in printing and in conducting primaries are paid out of the treasury of the city, county or State, the same as in the case of elections. There is no provision requiring the filing of a statement of the expenses of a candidate in conducting his canvass for a nomination, but there is a Corrupt Practices Act, which prohibits certain expenditures of money, usually prohibited in other states.

The Kansas Primary Law is also a model of simplicity and state-wide in its application, the only exceptions being school officers and municipal officers in cities under 10,000.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN KANSAS.

The only session of the Committee in the State of Kansas was held at the Capitol Building in Topeka, August 16, 1909.

As but one State primary has been held under the law, that of August, 1908, the operation and effectiveness of the system could not be studied with any great measure of profit. The views of witnesses, who attended before the Committee, therefore, are very largely of an academic nature, and it was quite easy to see that the supporters of Governor Stubbs, the successful candidate for Governor at this primary, were enthusiastic in their advocacy of the law, and its working, while those who were opposed to him and supported his adversary, were also opposed to the use of the direct method for the nomination of candidates.

Hon. C. E. Denton, Secretary of State, presented the Committee with a copy of his sixteenth biennial report, upon pages 125 and 126 of which appears a table showing, among other things:

Population of State, March 1, 1908, 1,656,799.

Total vote for Governor, all parties, November, 1908, 374,705.

Total vote for Governor, all parties, at primary election, August 4, 1908, 169,634.

Cost of primary election, August 4, 1908, as reported by county clerks, \$103,545.68.

Total tax for State purposes, 1908, \$2,203,561.18.

County of Crawford, population 51,423; Lynn, population 15,313; Jewel, population 17,619; Morton, 1,050, failed to file reports of their expenses.

The Republican vote cast at the primary in 1908 was approximately 123,000, and by all other parties, 46,000.

It will thus be seen that about 45 per cent. of the total vote of the State was cast at the primary. And the public cost of the primary excluding the cost in the counties mentioned was approximately sixty cents for each vote cast.

Mr. Denton explained to the Committee that the public expense shown in his report is very much less than the actual expense and probably would be considerably less than the actual expense for the next primary, for the reason that at this first primary there were many people who were particularly anxious to see it made a great success and were more or less enthusiastic over it, and they

donated their services as clerks and judges and that sort of thing without pay, but that he did not think they would do it any more (999). It will be also understood that in all cities having a population of 10,000 or more there will be, in addition to the State primary, a municipal primary in March of each year. Practically the entire expense of the State government of Kansas is made by a direct tax, there being no such indirect taxes as we have in this State. It costs more to print the primary ballots than the election ballots because the election ballot is a blanket ballot, while the primary ballots are separate for each party.

Samples of the primary ballots of the several parties used at the primary preceding the June election and at the primary preceding the city election in Kansas City, Kansas, with the vote of each candidate entered thereon are returned with this report. The blank ballot required by law was not furnished the Committee.

Four primary tickets, Republican, Democratic, Prohibition and Socialist, were used at the primary preceding the June election in 1908. On the Republican ticket, there were four contestants for the three justices of Supreme Court, two for the office of Governor, two for Attorney-General, three for State Printer, two for United States Senator, two for State Senator in the Fourth District, two for Representative in the Eleventh District, two for county treasurer, five for register of deeds, four for probate judge, six for sheriff, two for coroner, three for superintendent of public instruction, three for county surveyor, two for judge of the Twenty-Ninth Judicial District, two for judge of the Court of Common Pleas, two for judge of the Circuit Court, four for clerk of the District Court, two for clerk of the Circuit Court, five for county commissioner, two for treasurer of Wyandotte township, and one each for the eighteen other offices for which candidates were to be nominated by this ticket. The ticket is thirty-eight inches long, has two columns, forty offices including presidential electors, for which candidates are to be nominated, and ninety names. The voter must mark his X mark in the square opposite to the name of each candidate whose nomination he desires. An examination of the vote cast discloses the fact that the names of the more important officers upon the first part of the ticket, for example, Governor, received 5,173 votes, while the total vote cast for clerk of the Circuit Court,

in which there was a contest, was 4,787, about 300 less than the vote cast for Governor, in Newton precinct of Wyandotte county.

The primary vote cast for Republican candidates for Governor in the same district, as above stated, was 5,173, and the successful candidate received at the election, which ensued, 8,477, showing that about 61 per cent. of the party vote participated in the Republican primary, provided, of course, all the primary votes were Republican.

Upon the Democratic ticket, there were three contestants for the office of Governor at the same primary and the total Democratic vote cast at this primary was 1,938, while the successful candidate received 9,180 votes at the election which ensued, showing that about 21 per cent. of the Democratic votes for Governor voted the Democratic primary ticket. It may be said in this connection that the observation of the Committee is that the minority party in every State and locality investigated, takes but little interest in the primary election, so far as their own ticket is concerned. A more marked difference will appear later in the report.

In sparsely settled counties, like Wichita county, the cost of the primary was \$410.50 and the number of voters that participated at the primary was 291. In Stanton county, the cost of the primary was \$333.03 and the number of voters participating was 132 (960).

At the primary for the municipal election in Kansas City, Kansas, there were four candidates for city attorney, who received altogether 4,697 votes. The successful candidate received 1,570 and his opponents 3,127. There were five candidates for marshal of the City Court, total vote cast, 2,892, of which the successful candidate received 831 and his opponents 2,061.

The largest number of primary votes for mayor was 5,405, and the number is greatly reduced as you come down the line of candidates, showing that more people were interested in the contest for mayor than for the minor offices. The smallest vote was 1,537 for councilman.

Mr. C. Howes, who for nine years has been the personal representative of the *Kansas City Star*, watching legislation at Topeka, furnished the Committee with some interesting facts concerning

the 1908 primary, and the cost to individual candidates of conducting their campaigns for the nomination.

The figures from Governor Stubbs were furnished by his personal representative, Mr. J. M. Dolley, the present Speaker of the House, and also the Bank Commissioner and chairman of the State Republican Committee. Mr. Stubbs was the successful candidate for Governor and subsequently elected. Senator Long, who was defeated by Senator Bristow, furnished a statement showing an expense of \$6,523.70. Cyrus Leland, defeated candidate for Governor, \$6,120. W. R. Stubbs, successful candidate, \$3,713, and Mr. Bristow, the successful candidate for United States Senator, \$3,524.28. These moneys were expended chiefly for postage and sending out circulars according to the statement and for printing, and for newspaper advertising, which was practised quite generally throughout the State. The candidates would buy a whole page or half a page on the Sunday before the primary; supplements were sent out containing nothing but advertisements of candidates, all of which were paid for (966). The advertisements were paid for and the papers usually gave little news items as a sort of bonus "just like they do in theatrical advertising" (966). Democratic papers published Republican candidates' advertisements and in some instances, urged Democrats to vote for Republicans in the primary, when they wanted a weak Republican where they had a strong Democratic candidate opposing him or who would oppose him in the election (968).

There was an effort made through the Democratic newspapers looking toward the nomination of weak Republican candidates for the purpose of beating them at the polls. The returns from many of the counties indicated that Democrats participated to quite an extent in Republican primaries. The defeated candidates claimed that this was so and the nominated candidates denied it. In some places, the returns show a higher Republican vote in the primary than the entire Republican vote at the election. It very seldom happened that Republicans voted the Democratic primary ticket (969). The Republican party being the dominant party, there was not much of a campaign in the Democratic party. There were two candidates for Governor, but they did not make much of a fight (970). "It was a Republican scrap all the way through and as a result of it, factional differences and bitterness was started

up, which has continued through the campaign and the general election and since" (970).

Mr. Stubbs, the successful candidate for Governor, received between four and five thousand less votes than the other candidates on the Republican ticket. It was evident in nearly every case where there were several candidates that the men at the head of the list had an advantage. This was so observable that at the session of the Legislature in 1909, the Primary Law was amended so as to provide for an alternating or rotating system. The names of candidates are printed in alphabetical order in one precinct, and in the next the first name is dropped to the bottom and the next name comes to the top, the intention being to give each candidate substantially the same chance at the head of the ticket. The primary campaign is the greater struggle in this State, it being a personal and not a party campaign in the majority party. The normal Republican majority in the State is about 40,000. It will be observed that the party council or State convention does not meet under the Primary Act until after the nominations are made, so that the individuals, who are candidates before the primary, make their own platform, and the successful candidate endeavors to have his ideas embodied in the party platform subsequently adopted (978). Some of the ideas of the losing candidates were also incorporated for the sake of harmony in the platform, upon which the successful candidate ran. The platform that is made at the party council or convention is intended to express the individual views so far as possible of the candidates that are nominated at the primary; the candidates at this party council constitute the majority. If the party council adopts a platform inconsistent with the position taken by the successful candidate, he makes his race upon the platform and adds a little of his personal platform to it, and to that extent is not responsible to the party machinery for the sentiments that he expressed (979). He amends the platform to suit himself. The successful candidate writes no letter of acceptance, as he does not obtain the nomination at the hands of the party and is not responsible to it, although he expects the party organization to support him at the polls. Generally speaking, at the last election the party was loyal to the successful candidate in

the campaign, although there might have been as many as eight or ten thousand votes that changed (980).

The law was enacted for the purpose of getting rid of certain leaders called bosses, dictators, etc., in party council, but it has not entirely gotten rid of them. "The head of the ticket does considerable dictating" (981).

Before the nomination of Governor Stubbs, he was characterized as a reformer, but after his success at the primary in 1908, he became the leader or head or boss of the Republican State organization. The system merely operates to substitute one party boss for another (981).

The newspapers probably have more influence in a primary campaign than the candidates themselves. The *Kansas City Star*, *Topeka Capitol* and *Topeka State Journal* have general circulation throughout the State and if these papers supported the candidacy of a particular individual, a man who may be opposed by these papers would not have much of a show, "so that the newspapers become in a sense the bosses of the situation" (982).

To a considerable extent during the primary campaign, there was bitterness and accusations and counter accusations made through the newspapers. The Primary Law, however, is popular here and that method of campaign is regarded as dignified and a satisfactory method of selecting wise and competent and unselfish public servants. A man selected in that way will probably not be as friendly to the interest of those who opposed him as he will toward those who supported him loyally. It is not a serious prejudice, but he realizes that they were opposed to him and they are now probably, and he is not as friendly to them as he is with the papers that supported him. Such papers get no patronage from the public administration.

United States Senator Bristow, one of the Senators that voted against the Payne Tariff Bill in the present Congress, received the endorsement at the primary and was subsequently elected. Curtice, the other Senator from Kansas, was nominated and elected under the old system and voted for the Tariff Bill. Governor Stubbs is the only new State officer that was nominated under the primary system, the old State officers were simply renominated.

The chief objection to the Primary Law is that the voters do not

come out and they are not able to keep the Democrats from voting in the Republican primary. There is a movement on foot to adopt the Des Moines commission plan for the government of Topeka, and this system has been adopted in Leavenworth, Independence, Wichita, Kansas City and Atchison; Topeka, Coffeerville and Salina are agitating it.

Mr. Howes thought that the effect of the primary in Kansas was the selection of better candidates and more capable men, but that they had not had sufficient experience to know what might result ultimately.

It is to be noted that only one new State officer, the Governor, was so elected.

Prior to the adoption of the Primary Law, there was a law that permitted local regulation of primaries under the delegate and convention system, but it was not operative (993).

The population of Kansas is approximately 1,600,000 and the voting population from 375,000 to 400,000. The percentage of illiteracy is very small, being less than 3 per cent. The center of population is approximately about 100 miles west of the east line of the State.

Kansas City contains about 100,000 people and there are but few other large towns, many of which have recently adopted the Des Moines commission system of government. One reason given for the excellent results of this system in the city of Galveston, Texas, is the fact that there is a poll tax of \$3 as a necessary condition to the exercise of the franchise; this operates to prevent about two-fifths of the population from voting and gets rid of the ignorant and vicious element, who will not pay the necessary tax.

At the last session of the Legislature, the Primary Law was amended so as to make it not operative in cities under 10,000 instead of 5,000 as originally enacted.

There are 105 counties and 165 members of the lower house of the Legislature and forty Senators. The compensation to members of the Legislature is \$3 per day and mileage not to exceed fifty days for the biennial session and if a special session is called, they can draw pay for not to exceed thirty days.

As an illustration of the participation of the voters in the primary of August 4, 1908, in the rural districts as compared with

their participation in the cities, the official primary election returns and the official election returns of Dickinson county, Kansas, will be of interest:

In the city of Abilene, this county, the Republican candidates for Governor received at the primary 535 votes, and at the election, 523, but in the entire county of Dickinson, the Republican candidates received 1,998 votes at the primary, and at the election, Mr. Stubbs, the successful candidate, received 2,889, or about 69 per cent. of the Republican vote in the county. It is claimed that the large number of Republican primary votes in the city of Abilene is due to the voting by Democrats of Republican primary tickets.

The comparison of the vote cast at the primary and at the election in a few of the rural towns, in this county, will be profitable:

The town of Union cast at the election for the Republican candidate for Governor, thirty-five votes; the same town cast for both Republican candidates at the primary, eleven votes. The town of Willowdale cast at the election for Mr. Stubbs, fifty-one votes; the same town cast for both Republican candidates at the primary, nine votes. The town of Hayes cast for Mr. Stubbs at the election fifty-one votes and for both candidates at the primary, twenty-three votes. The town of Fragrant Hill cast for Mr. Stubbs at the election, forty-three votes, and for both Republican candidates at the primary, thirteen votes.

This proportion seems to be substantially the same throughout the rural districts. It will also be remembered that this was the first primary under the new law and that there was a very strenuous contest between Senator Long and Mr. Bristow for the United States Senatorship.

Governor Stubbs testified that he was a candidate nearly one year before the primary and conducted an active campaign by sending out literature from his headquarters in Topeka and particularly by visiting the various counties and making public speeches in ninety of the 105 counties, and in some of those counties, making five or six public speeches.

Mr. Leland, his Republican opponent, conducted his campaign on similar lines, and Senator Long and Mr. Bristow conducted similar campaigns, so that in the Republican party there was a

fierce contest for several months before the primary of August 4, 1908.

Mr. A. Cain, connected with the *State Journal*, a daily paper published at Topeka, listened to the testimony of Mr. Howes, and stated that Mr. Howes reflected his sentiments, except that he believed the convention system would operate in Kansas to select better officers for the public service.

He mentioned the fact that the State was under Populist control for about twelve years, and at one time there was a Prohibition Governor, Mr. St. John. The Populist party, he said, was assimilated by both parties; that is to say, the Populist party has been assimilated by the Democrats and the Republicans have taken its principles; the Republicans had the issues and the Democrats the men (996).

It has long been the custom in Kansas to assess public officers for general election campaign expenses. The rule has been to assess the chief officers 10 per cent. of their salary and the clerks $2\frac{1}{2}$ per cent. This has been a common practice throughout the State by the dominant party and there is no law prohibiting it.

Hon. C. E. Denton, Secretary of State, verified the statements contained in his report heretofore referred to and expressed himself strongly as opposed to the new Primary Law, commenting particularly upon the expense to the State and to candidates. A large portion of the expense is received by the newspapers, who are almost without exception favorable to the law. The personal advertising of the candidates and the public printing necessitated by the law give the newspapers a very large source of income, which under the convention system they did not receive. That it was practically impossible for a candidate to succeed who did not have the influence of the large newspapers with him. He also thought that the operation of the law tended to favor to a great extent citizens residing in large communities as against an aspirant of a rural community; and if a man had no money and could not borrow it, he might better never start a campaign for a State office, or for any office requiring a personal appeal to the voters located in a large territory (1012).

Mr. D. M. Mulvane, a prominent attorney of the city of Topeka and the Kansas member of the Republican National Committee

for the past twelve years, took a position similar to that of the Secretary of State.

He had also been a member of the State Committee. One of his principal objections to the system was that it built up factional differences in the party and would ultimately disintegrate parties and party organization and loyalty to party control. He added that he had talked with every member of the National Republican Committee from the states in which direct primary laws had been adopted, and that without exception, they made the same criticism that it had a tendency to disorganize the party. He also objected to the plurality system and said that there was considerable discussion for the adoption of an amendment looking toward a second and a third choice.

In this connection, it may be added that at the last session of the Kansas Legislature, a bill was introduced and urged with considerable force making it compulsory upon every voter at a primary to express as many choices as there were candidates for a particular office, and that these choices should be expressed by numerals in the inverse order of the choice, that is to say, if there were five candidates, the first choice would be expressed by the numeral 5, second by the numeral 4, and so on. The bill then provides for a count of these numerals and a mathematical calculation in order to work out a theoretical majority sentiment. The gentleman advocating this bill has sent a copy of it to the Committee, with the request that its provisions be incorporated in whatever primary law may be enacted in this State.

The Committee was greatly favored by the voluntary appearance of Hon. W. R. Stubbs, Governor of the State, and Hon. Cyrus Leland, his Republican opponent in the primary of August 4, 1908.

Governor Stubbs was a member of the Legislature at the time of the enactment of this law and opposed a bill intended to regulate primaries, retaining the delegate and convention system, for the reason, as he stated substantially, that if such a law were passed, it would be more difficult to pass a direct nomination bill, which he and many friends were contending for. He introduced the bill and after two regular sessions it was passed at a special session in January, 1908, with the first primary to be held in August of the

same year. Before the passage of this act, he became a candidate for Governor and conducted a very vigorous campaign during all of this year before the primary against his republican opponent.

It is impossible in this report, to give at length the arguments made by Governor Stubbs before the Committee in favor of the Kansas Primary Law, which he expressed himself as very proud of, and regarded it as one of the most important pieces of legislation for many years. His evidence will be found at pages 1027 to 1068 of the record.

The Republicans of Kansas are divided into two factions, which they call "Progressives" and "Conservatives." Mr. Stubbs was identified with Mr. Bristow and it seems that Mr. Leland was also identified with Mr. Bristow and against Senator Long. The political manager of the campaign of Mr. Stubbs was Mr. Dolley, who became the chairman of the Republican State Committee, the Speaker of the House of Representatives in Kansas, and Bank Commissioner. It is claimed by the Governor's opponents that there is simply a substitution of political bosses in the State, the Governor being now supreme in his faction of the party. Whether there is any ground for such charge can be best determined, perhaps, by quoting a few words from his testimony at pages 1053, 1054: "With this law, there has been a general movement here in Kansas that has to operate the government and party management and public affairs of the State from a public point of view, to cut out every little self interest that was common under the old spoils system of politics. There are mighty few men that are getting any special privileges or special advantages in Kansas under our present form of government. And I am very much pleased indeed, with the Primary Election Law. Of course, we have not tried it very long and it may develop weak spots in it that we don't know about. * * * Q. Governor, speaking about the spoils system, tell us as to whether the friends of the successful candidates get jobs or not, or doesn't that make any difference? A. Well, now, since I have been Governor, I have appointed a good many men to office, and I have been under the impression that fellows who believed in the things I advocated and stood for were really the best fellows for office."

It is a well known fact that no opponent of the Governor in any of the counties of the State has received an appointment, and that

such appointments as were within the power of the Governor have gone largely to the men who organized to further his campaign for the nomination in the various counties of the State.

Governor Stubbs favored the amendment made to the law at the last session of the Legislature by which the so-called "Rotating System" of placing names upon the primary ballot, where there were several candidates, because he said his name began with "S" and under the law as it was, the man whose name began with "A" had a distinct advantage.

Mr. Cyrus Leland, mentioned above, has been in politics in Kansas since its organization as a State, and spoke generally in favor of the Kansas law. He said that he advocated it and earnestly sought its passage for the express purpose of getting rid of Senator Long and believed it to be a good thing, because it had accomplished that object. "Q. But aside, Mr. Leland; from having brought about the defeat of Mr. Long, what evils do you think it has corrected? A. Well, it has laid him on the shelf and that class of men ought to be laid down on the shelf. Q. I know, but aside from that? A. There is more like him, some of his own gang and that is a good thing, I think. It accomplished that" (1085).

Mr. Leland did not see how a man could conduct a campaign for the nomination of Governorship or State office upon \$4,000 or anything like it. He thought that a man ought to have more than one term, if he stands the Primary Law (1087).

Mr. J. N. Dolley, Speaker of the present House and Bank Commissioner of the State of Kansas, spoke as an earnest advocate of the law (1090). It seems that in the Senate at the time of its passage, the vote was quite close; there were only three Democratic members of the Senate, one of whom supported the bill. The controversy was practically between Republicans. Mr. Dolley thought the Republican party as a party is in better condition in Kansas than it has been for the past several years, although the *personnel* of the organization has changed since the last controversy. He spoke along the same lines of Governor Stubbs, and advised that candidates for nomination should file statements of their expenses, the same as candidates for election. He thought that the Democratic party was badly demoralized; the strengthening of the Republican party naturally weakened the Democratic party.

Mr. Frank G. Drenning, a prominent resident of Topeka, deprecated the participation of Democrats in Republican primaries and said that there is absolutely no doubt that a well organized effort among the Democrats to vote the Republican ticket could have changed the nomination of United States Senator without any trouble whatever. He believed that the system would be better if they had a second and third choice.

OBSERVATIONS ON THE KANSAS SYSTEM.

As stated at the outset, it is extremely difficult to draw any very valuable lessons from the one test of the Primary Law in Kansas. There are a few facts, however, which were made quite prominent in the course of our investigation:

1. The law is generally popular and it probably could not be repealed at the present time, although amendments for the purpose of obviating the plurality nominations are being urged and a more strict party enrollment is generally believed in.
2. The cities of the State are quite generally adopting the Des Moines system of government and doing away with any form of primary, caucus or party nomination in municipal affairs.
3. The system is State-wide and includes substantially all the officers to be nominated in the State, district, county and township, so that the number of names appearing upon any primary ticket because of the number of elective offices is so very great that it is quite impossible for the average voter to exercise any intelligent discrimination except upon the head of the ticket.
4. The percentage of participation in the cities and towns in the majority party was very large, and in the rural districts was very small, and the percentage of participation on the part of the minority party was also exceedingly small.
5. Under this system, there is no opportunity for the minority party to await the nomination of the majority party and then select a candidate, who, either because of his locality or some other peculiar strength, can oppose the majority candidate with any reasonable probability of success. The minority party having as a rule no contests for the nomination are obliged to file the names

of their candidates so many days before the primary that the Republican candidates know exactly whom they will have to oppose while they are carrying on the primary campaign.

6. The party organization or machine is disintegrated and there is substituted the personal machine of the successful candidate or the head of the ticket. This machine is maintained by the appointment to public position of the supporters of the successful candidate and furnishes him with a strong organization interested in securing his renomination and continuance in office.

7. If a State-wide direct primary nomination system is to be adopted, the Kansas Law is as simple and perfect as any, if the rights of the parties are better safeguarded by a party enrollment, and if candidates' expenses are limited and they are required to file an itemized statement of their expenses after the primary election.

8. There is no opportunity under this law, except in the minority party, for the office to seek the man, but the successful candidate must be active, aggressive, and a candidate who is willing to conduct a vigorous campaign in his own behalf against members of his own party, making his own platform for the purpose with such promises of reform and popular legislation as will convince the people that he can be of greater service to them than his adversary.

A central bureau of information is organized for the distribution of printed matter and committees organize in all the counties of the State for the furtherance of his personal campaign. The conduct of such a campaign, in our opinion, does not tend to cement the party membership around party principles that may be formulated by the party organization in convention assembled.

IOWA.

THE LAW.

The Iowa Primary Election Law was passed in 1907 and the first primary was held under it on the first Tuesday after the first Monday in June, 1908, so that the Iowa experience under a statutory primary law is substantially the same as that of Kansas. The law provides that it shall be held biennially after the first primary for the nomination of candidates for such offices as are to be filled at the general election in November next ensuing, except candidates for the offices of judges of the Supreme, District and Superior Courts. It also applies, for the purpose of ascertaining the sentiment of the voters in the respective parties, to United States Senator, and in presidential years includes electors. With the exception of the provisions relating to party affiliation, the nomination of judges, the provisions for challenge and some minor changes in the nomination paper, including an affidavit to be sworn to by the candidate, on whose behalf the petition is filed, and also excepting the requirement that a candidate for a county, district or State office must receive not less than thirty-five per cent. of the votes cast by the parties for such office to entitle him to a nomination, the general provisions of law are substantially the same as the Kansas law.

At the first primary each voter received his party ticket called for and the clerk thereupon entered his declaration of party affiliation, substantially the same as required under the Luce Law in Massachusetts. Thereafter he becomes listed on the poll books as a member of that particular party and while residing in the same voting precinct, need not declare again his party affiliation, unless he desires to change it; but in case he desires to change, he may, not less than ten days prior to the date of any primary, file a written declaration with the County Auditor stating his change of party affiliation, and first voters and those who have changed their residence affiliate on primary day upon application to the election officers. If a voter is challenged, he may take the oath that he has in good faith changed his party affiliation and desires to be a member of ————— party, and then becomes entitled

to vote the ticket he calls for. The names of the candidates are placed upon the ticket in alphabetical order, but the law as originally passed was amended at the last session of the Legislature by adopting the rotating system, so that the names of candidates do not appear at all times in the same position upon the ticket, but are rotated from top to bottom in accordance with the rule fixed by statute. This was done after the primary of June, 1908.

The County Committee is elected at the primary made up of delegates according to a ratio adopted by the party County Central Committee and these delegates are required to meet in convention on the third Saturday following the primary election. The conduct of the convention is controlled by statutory rules, and after organization, is authorized to make nomination of the candidates for the party for any office to be filled by the voters of the county when no candidate for such office has been nominated at the preceding primary election. This would be the case where no candidate received thirty-five per cent. of the vote. This convention also nominates candidates for the office of Judge of the District Court in counties comprising one judicial district and selects delegates to State and district conventions and elects a member of the party Central Committee of these districts.

In Senatorial, Judicial and Congressional districts composed of more than one county, district conventions are likewise held and with like authority; it may adopt party platforms, but is not required to do so.

The State convention is composed of delegates chosen by the county convention in the manner above stated and it also has the power to nominate for State offices, when no nomination was made at the primary, and also nominates candidates for office of Judge of the Supreme Court. No proxies are allowed at any of these conventions, but the delegates present from a county may cast the full vote thereof. The State convention is required to formulate and adopt the State platform of the party it represents and to elect a State Central Committee.

It will thus be seen that in this respect the Iowa law differs from the Kansas law in that the State convention in Kansas is made up of the county chairmen and the candidates for all offices,

who have been nominated at the primary, and they adopt the platform.

The provisions of the act govern the nominations of candidates by the political parties for all offices to be filled by direct vote of the people in cities of first class and cities under special charter having a population of over 15,000, unless they have adopted some other plan of city government.

The expenses of the primary election are borne one-half by the county and one-half by the State, the Board of Supervisors being required to audit the entire expense and certify to the executive council.

Every candidate for any office to be voted for at a primary is required within ten days after the holding of primary to file a detailed statement of his expenses. The statement must also show from whom the money was received and purposes for which paid, etc.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN IOWA.

Prior to the enactment of the Primary Election Law, many counties in the State of Iowa, under party rules and regulations, had a system of more or less direct nomination, some counties and districts nominating by direct vote and others electing delegates. A majority, however, rather than a plurality was usually required to nominate.

There was no urgent demand throughout the State for the enactment of a uniform primary law, as the methods under which the parties within themselves were nominating their candidates for office were quite generally satisfactory. One witness stated to the Commission that the Legislature adopted the new law because other States were enacting such laws.

Shortly prior, however, to the enactment of this law, a very disorderly and disgraceful campaign for the nomination of Congressman in the Des Moines district, the Seventh, was conducted, and attracted State-wide attention. It is told that a band of twenty-five or thirty enthusiasts went from one precinct caucus to another and voted for the delegates favoring the candidate of their choice. Charges and counter charges of bribery were made and to this one proceeding, more than any other, is attributable the enactment of the Uniform Primary Law of Iowa. The Con-

stitution of Iowa, like Pennsylvania, makes uniform legislation necessary.

The first primary election held under the act, June 2, 1908, was of unusual interest, because of the fact that it was a presidential year, and there was a sharp contest for the office of United States senator between Senator Allison and Governor Cummins. As is known, Senator Allison was successful, but died before his election by the Legislature, and at the general election Governor Cummins, by special act, again contended for the popular approval of his candidacy against Mr. Lacey, and was successful.

All State officers had to be nominated at the June primary; the consequence was that a very large Republican vote came out to the primary.

Some of the figures from the *Iowa Official Register* for 1909 kindly furnished by Mr. W. C. Hayward, Secretary of State, will be of interest:

The Republican primary vote for Governor was 181,863.

The Republican vote for Governor at the election, 356,980, showing that the Republican primary vote for Governor was about seventy per cent. of the vote cast at the election.

The Democratic vote for Governor was, 50,065.

The Democratic vote for Governor at the election was 196,929, showing that the Democratic primary vote was but twenty-five per cent. of the vote cast at the election. A similar comparison is made in a few of the Congressional districts taken at random.

In the Third district the Republican primary vote for Congressman was sixty-four per cent. of the vote at the election, while the Democratic primary vote was but nineteen per cent. of the vote polled at the election.

In the Fourth Congressional district, there was a contest for nomination in the Democratic primary, but the vote cast was only twenty-five per cent. of that polled at the election.

In the Fifth Congressional district, sixty-eight per cent. of the Republican vote polled at the election was cast at the primary and only seventeen per cent. of the Democratic vote.

The Sixth district is very close and there was a contest in the Republican primary, but none in the Democratic; the former cast fifty-seven per cent of its election vote and the latter twenty-seven per cent.

An examination of the primary returns will disclose the fact that a much larger percentage of the vote is cast at the primaries in the cities and large towns than in the rural districts, the conditions being quite similar to those found in the State of Kansas.

The new Primary Law of Iowa has its friends and staunch supporters, not so much on account of what it has accomplished as for what they hope it will accomplish, when they have had sufficient time to give it a fair trial.

There are also prominent citizens who oppose it upon principle and find little in it to commend.

The Committee was very fortunate in getting in touch with many of these citizens, some of whom might be regarded as politicians in the better sense and many of whom had no political aspirations.

Mr. Lafayette Young, editor and proprietor of the *Des Moines Daily Capitol*, and a State Senator for about twelve years, expressed himself generally as favoring the law. It was he who said that the Iowa Primary Law was more due to disturbances in the way of unfair voting and unfair action of the election judges, and things of that nature in the city of Des Moines, than to any or all other influences combined, and in that connection referred to the charge that many voters participated in different primaries. This was due largely to the lack of local control. He thought that their system of enrollment was imperfect and said that there were strong objections to making it any more drastic, the criticism being that it deprived the voter of his constitutional right to affiliate with any party of his choice at the time of the primary. "You might," said he, "not always need this system, but when you did need it, it would be handy to have; and it will ultimately tend toward the destruction of political parties, in my judgment. But the country has seen many times the destruction of political parties without any danger to it" (1120). Mr. Young expressed his belief in government by parties and in explanation of his statement that the Primary Law was still desirable, notwithstanding it tended to the destruction of political parties, he said he meant "different alignments and reorganization of parties and not destruction" (1120). It raises up factional differences and divisions in the party itself and has an effect on party organization, as it enables the minority

party to nominate without regard to availability; while the majority party makes its nominations out of strife, as the result of strife, the minority makes its as a result of harmony through getting together. The minority party takes advantage of the strife in the majority party to defeat the majority party at the election sometimes. In the campaign for United States Senator "we had as hot a debate throughout the State as we ever held in a contest against the other party." "It gives more power to the press, which is not objectionable to newspaper men, who feel that they ought to run the country anyway. I speak of that — I am a newspaper man." * * * "Among other criticisms, the primary system gives the candidate an opportunity to make a great many promises to the voters, in the excitement of his search for honors, and he takes advantage of the situation. I mean that he becomes sensational and enthusiastic in telling the 'dear people' what he will do. Of course, we have always had that more or less between the parties, but have never had it as a family affair until we had our primary" (1122).

Mr. Young also condemned the long ballot and numerous candidates and said that it was impossible for the average voter to exercise any discretion on more than two or three offices. The results showed that there was a large falling off in the vote as you went down the line of candidates and also where there were numerous candidates that those who headed the ticket had a distinct advantage, so much so that the law had since been amended as above stated.

The judges of courts were excepted from the Primary Law for the purpose of keeping the office out of politics as far as possible. There is no opportunity under the primary of distributing the ticket geographically.

Mr. Harvey Ingham, editor of a morning and afternoon daily known as the *Register and Leader*, and the afternoon *Tribune*, at one time postmaster of Des Moines, and Regent of the State University, coincided in his views with those expressed by Colonel Young, and particularly emphasized the disgraceful contest in the Seventh Congressional District, in which Des Moines is situated, as one of the reasons for the adoption of the Primary Law. The change in Iowa was from an unregulated and absolutely unlegalized method of nominations to a legalized method (1144).

It will also be noted that there was adopted simultaneously with the Primary Law, the Corrupt Practices Act, and at about the same time the Personal Registration Act in cities.

Iowa is an agricultural State, and there is only about 2 per cent. of illiteracy. The largest city is Des Moines with 75,000 and three or four other cities with twenty or thirty thousand, with almost no foreign element. Mr. Ingham also said that there was an undue advantage to the man whose name begins with "A," where the names appear upon the ballot in alphabetical order. He strongly advocated the elimination of so many elective offices and said that it was impossible for any man to make an intelligent discrimination. In the recent State election, the attention of the whole State was centered upon United States Senator and Governor, with local contests for Congressmen; the other State officers escaped attention.

He strongly advocated "leadership" and distinguished this from so-called machine organization (1153). He thought it would be impossible for the successful candidate to build up a machine upon the patronage principle by appointing to public office those who supported him at the primary.

The following witnesses made voluntary statements before the Committee, condemning the law upon principle, and calling the attention of the Committee to its alleged failure to accomplish any good in the State of Iowa. None of these gentlemen were politicians in the sense of being candidates for office, but all of them were interested as citizens of Des Moines and of the State of Iowa in political conditions. These men are Mr. Charles A. Finkbine, a lumber dealer connected with the Wisconsin Lumber Company; Robert Fullerton, also a lumberman, and president of the Civic League of the City of Des Moines, and recently a member of a committee that went to Washington as a tariff expert before the Committee on Ways and Means while they were framing the Payne Tariff Bill; James B. Weaver, Jr., a lawyer; Sydney Foster, life insurance agent, and connected with the park system of Des Moines; Mr. Jewett, business man; James C. Davis, an attorney; J. L. Powell, whose business does not appear in the record.

Mr. Finkbine stated: "We had just as good people, just as honest officials then and we had just as good people and just as

honest State and county officials under the old caucus system of electing our officers as we have had since the adoption of this new Primary Law." It is very expensive to make a State campaign; the average voter knows how he wants to vote for one or two offices and for the rest of them he is absolutely ignorant and votes for the first man he comes to. Mr. Finkbine advocated the safeguarding of the primaries and conventions by law and deprecated the apparent fact in the last State primary that many Democrats voted the Republican primary ticket. He stated the fact that the two Republican candidates for United States Senator who were voted for at the same time as the general election received in the aggregate in Polk county, in which the city of Des Moines is situated, 2,600 more votes than the Taft electors received at the election held the same day, which fact appears from the records of the Secretary of State's office. So far as he could observe, it has not changed the spoils system a particle. The man who succeeds distributes the patronage to his friends. Referring to the Des Moines commission system, Mr. Finkbine said it was in no way related to the direct system; that the intention was to eliminate national party politics absolutely from domination in local affairs. He stated, however, an interesting instance of newspaper influence in the introduction of the Des Moines system. A self appointed committee of 500 representative citizens from all business and professional lines worked out the plan of government and in order to make it a great success the first year, suggested the names of five prominent citizens, who would be unwilling to become candidates or make a personal canvass for the position, as members of council for the first year. Not one of them was nominated and when asked how that happened, he replied, "Too much Harvey Ingham and Lafe Young," referring, of course, to the prominent newspapers edited by these gentlemen. He said that a self seeking campaign followed, carried on by candidates, who themselves sought the offices, something after the experience of Boston in the recent city election.

Mr. Fullerton concurred in the views expressed by Mr. Finkbine and added that the new law had proven very profitable to the newspapers in the matter "of public printing of private virtues."

Mr. Weaver concurred in a general way with the statements of

Mr. Finkbine and Mr. Fullerton, but said that the law was too recent to form any positive conclusion as to its merits or demerits.

Mr. Foster was very positive in his conviction that the direct primary method is calculated to disorganize the very best elements of the political party. He said that opposing candidates in the Republican party made a practice of sending postal cards to Democrats throughout the State urging them to vote for certain individual Republican candidates in the primary, and advising them that it was nobody's business to what party they belonged. This postal card system was very general and it had a tendency to break down the regard the people had for their own political organization. He claimed that there was no State in the Union better managed than the State of Iowa; that the primary system would keep burning the embers of discontent and distrust and that while he was no pessimist, he regarded the vote of the Republican party in Iowa as very doubtful because of its breaking up into factions and discord as a campaign arises.

Mr. Jewett simply concurred in the statements of Mr. Finkbine and Mr. Foster.

Mr. Davis stated that his objection to the Primary Law is that it entirely falls short of its alleged purpose, in that it precludes every sort of independent and intelligent action by the individual voter. In the last campaign he had had occasion to travel about the State at various points where there were assemblies of representatives, while the campaign was going on, and as a matter of curiosity, asked citizens present to state the names of principal candidates for the leading State offices, for which they were expected to vote at the primary, and that it is not exaggeration to say that unless they had a candidate in their political locality not one man in twenty could name the different candidates that they were expected to vote for, or qualifications, special or otherwise, which each of the conflicting candidates had for office. The attention of all was directed to the candidates for Governor and United States Senator, but as to the others upon the State ticket, he could not tell who he was voting for or whether he was voting for any particular one, and therefore, voted for the first name upon the ticket, and the lucky man in that position is nominated. As an illustration he spoke of the primary ticket in Polk county in which Des Moines is located. The ballot contained more than

150 names and it was an absolute impossibility for the local people in Polk county to select with any sort of discrimination or individual judgment the various candidates. "The purpose of the law," said he, "is not accomplished in that a State-wide primary covers too large a territory for the individual voter to inform himself so that he can vote intelligently and make a special selection of a large number of candidates that come from all over the State." For these reasons, he favored the convention with legally elected delegates. If the territory was increased the difficulties mentioned would be multiplied and increased (1192, 1193). "In a convention system, some sort of fair division of candidates over the State can be made, but in the primary there is no opportunity for a concert of action" (1194.)

Mr. Davis regarded the State of Iowa as an ideal State in which to test the efficiency of such a law, as the population was only about 2,300,000, very evenly divided over the State. Substantially no manufacturing industries, practically all farmers.

Hon. W. C. Hayward, Secretary of State, before referred to, also furnished the Committee with a statement of the public expense of conducting the first primary, in detail by counties. This statement is filed with the exhibits. The total amount for the first primary was \$164,000.12. The law has been changed since the enactment of the Primary Law so that hereafter the counties pay the entire expense.

He also furnished a few sworn reports of campaign expenses in the primary election of June, 1908. The largest amount shown is \$4,329.83 by Mr. Good, nominated for Congress in the Fifth district. The successful candidates for Congress expended from \$1,000 to \$4,000. The personal expenses of candidates for Governor were very small. Mr. Carroll placed his expenses at \$797.22, Mr. Garratt at \$1,177.50 and Mr. Hamilton at \$929.37. These candidates are all Republican candidates. Sample primary ballots were also furnished.

The largest part of the public expense, said Mr. Hayward, was paid to the newspapers, and they also received large sums from candidates for personal advertising.

Mr. Hayward thought that Iowa had not had enough experience under the Primary Law to determine altogether its full benefits

or many of its advantages. One defect noticeable to all was the inability of the voter to discriminate where so large a number of candidates were upon the ticket, but he thought that that had been obviated to some extent by the adoption of the rotating system in placing names upon the ticket, which does not help the voter to express his choice intelligently, but gives to all candidates the same advantage of position.

Mr. A. U. Swan, Assistant Secretary of the Executive Council, gave some figures as to the expenses of conducting a primary, corroborating the statement given by the Secretary of State, and computed from these figures that there was practically \$120,000 of the amount paid to the printers.

Hon. W. L. Eaton, one of the Railroad Commissioners, a resident of Osage, Mitchell county, Iowa, appeared before the Commission and stated in substance that there are without doubt advantages in the Primary Law, but there are also inherent defects in the whole theory of the Primary Law. He said that while he belonged to what might be fairly termed a faction in Iowa, which was very much in favor of the Primary Law, he had never been in favor of it, and his mental attitude now was one rather of toleration and consent on account of circumstances which have arisen rather than enthusiasm about it. Mr. Eaton lives in a county that is entirely rural, having no cities. He said that they had never had any difficulties or abuses of the convention system in his county. It had always worked well. He had been interested in politics for quite a number of years as a member of the Legislature and Speaker of the House, and had observed the workings of both the convention and primary systems to quite a considerable extent. "I believe," said he, "there is an inherent defect in the entire primary system and I dislike to even say this in public, because, as I say, on account of circumstances, I have been compelled to bring my mind to assent to it and consent to it rather than any other way" (1229).

"Every State officer, who had any contest, whose name appeared first on the ballot was nominated." "They are all elegant gentlemen and all fitted of course for the positions they occupy, but it was without any regard to acquaintance or fitness or experience or anything of that kind" (1230). "The inherent defect, I believe, in the Primary Law is that it is based upon an erroneous supposi-

tion; that is, that the people are informed; they are not; there is not any use of criticising them; you have got to take them just as they are. They don't know the men who are candidates for State offices. This does not apply to a county primary. Where the conditions are such as to require it, I believe the county primary to be a very wise thing. There the people are acquainted. They know their candidates; they discuss; they talk about them in the stores and everybody knows who the candidates are; they vote intelligently" (1230). He thought that the Primary Law had been a great benefit in cities of a certain class. If a county primary law was to be adopted, he thought it should be optional with the voters of the county.

OBSERVATIONS ON THE IOWA SYSTEM.

The conclusions of the Committee from the investigation of the Kansas system may be referred to as expressing substantially the results of our observation of the working of the Iowa system under the first primary.

Iowa is an ideal state for the operation of any system of direct primaries, as the education and intelligence of its people is unusually high, the population is quite evenly distributed over the State, the farmers are wealthy. The fact that there is almost no foreign population and that the largest city is not much above 75,000 makes the practical operation of a direct system of nominations at least feasible, if not desirable.

The same conditions, however, under a legalized delegate and convention system would produce much better results than could be expected from such system in a district composed of many different foreign elements and where an intelligent interest and co-operation in political affairs is lacking.

The elimination from the operation of the primary system of nomination of judges of the Supreme Court is desirable, and the requirement that no candidate can be nominated at the primary unless he received at least 35 per cent. of the vote cast for all the candidates of his party is, in our opinion, still more desirable; this percentage might even be increased to advantage, as it will tend to prevent the nomination of undesirable candidates through the expenditure of money and great personal activity, and by procuring a multitude of candidates for the office contended for

in order to weaken the support of some strong and popular adversary. In such case the nominations are made by the party conventions.

If the direct State wide nominations system is continued, the splitting of the majority party into hostile factions and the disintegration of the minority is sure to result. If the theory of some advocates of the direct system that there should be no party lines except in national affairs is the correct theory of government, and that national parties, as such, have no place in the administration of State or local affairs, then the State-wide primary of Kansas and Iowa may be confidently relied upon to accomplish this result. It is unnecessary to repeat here the conclusions stated after the investigation of the Kansas system which apply to Iowa as well.

The State convention, composed of delegates who formulate the platform, instead of the candidates who have been nominated at the primary, is a very desirable feature and preferable to the Kansas system. The preservation of the county and district conventions is also advantageous.

MINNESOTA,

THE LAW.

Minnesota has had a primary law with direct nominations since 1901. It applies to all elective officers, except State officers, and members of school, park and library boards; also except towns, villages and cities of fourth class.

The feature not found in other states investigated is that the primary day is the first day of registration, seven weeks before the election, so that the registration officers also record the primary vote, thus saving a part of the public expense.

Candidates for office are not required to procure petitions, but merely file an affidavit stating the desire of the affiant to become a candidate of the party of his choice and setting forth his party allegiance and that he voted for a majority of the candidates of this party at the last election, or intends to support the ticket at the coming election.

A filing fee varying from ten to twenty dollars is required, evidently for the purpose of preventing a multiplicity of unworthy candidates.

Separate ballots are printed for the several parties and the names of candidates are entered thereon under the offices to be voted for in alphabetical order, but an amendment to the law as originally passed provides for a rotation of names, to overcome the apparent advantage to the candidate whose name appears first under the designation of the office.

There is no system of enrollment and the voter is only required to make a party declaration when challenged.

Primaries for the election of delegates are held at such times as party rules may fix, under, however, statutory limitations. The statute also governs the conduct of conventions, when assembled. State conventions nominate state officers, including justices of the Supreme Court.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN MINNESOTA.

The sessions of the Committee were held at the capitol building in St. Paul, and several prominent citizens of Minneapolis also attended and gave us the benefit of their experiences in Minneapolis and elsewhere.

Mr. W. W. Heffelfinger, a shoe manufacturer of Minneapolis, a Republican, who has been to some extent identified with political activities in Minnesota, thought that the results of the operation of the Primary Law in this State had not been satisfactory. The State has a population of about two millions with a normal Republican majority of from 30,000 to 50,000.

Mr. Dwinelle was the framer of the law and was beaten in his candidacy for the Legislature the first time it was tried; he was regarded as a very strong man, against whom there would probably have been no opposition under a convention system. It is the common practice for candidates before the primary to make a very personal campaign, spending money, treating voters and in making himself generally popular with the element in the cities who can be induced to go out to the primary. Mr. Heffelfinger cited the fact of the defeat on several occasions of Republican candidates for mayor of Minneapolis which he attributed to the bitterness engendered by the primary contests. He stated that the vote at the primary was not increasing in the same proportion as the population; that while there had been an increase in population of 150,000 people there was practically no increase in attendance at the primary. Voters tired of the personal contests of party members before the primaries. It is also simply impossible to make any geographical distribution of the ticket, or distribution according to nationality under this system. There are a good many Scandinavians, and upon the tickets sometimes there appeared an excess, so to speak, of the foreign element. The necessity and expense of making two campaigns deters the best men from undertaking to secure public office. Upon one occasion in Minneapolis the Democrats succeeded in nominating Dr. Ames, a Democrat, on the Republican ticket, and then beat him at the polls. Members of one party were in the habit of voting the primary ticket of another, either to nominate a weak candidate

or to help a friend. Party organization has been split all to pieces by this method.

Although Governor Johnson recommended the extension of the system to State officers and United States Senator, it was not taken seriously by the Legislature and there appears to be no strong demand in the state for such extension.

Mr. Heffelfinger will be recalled as a prominent member of the Yale football team some years ago.

Mr. Hugh T. Halbert, an attorney, who is president of the Roosevelt Club of St. Paul, and at one time chairman of the Republican City Committee, but now claiming not to be identified with any party, and particularly interested in an organization known as "The Voters' League," disagreed quite radically with Mr. Heffelfinger. While Mr. Halbert declined to express an opinion as to whether better officials were obtained for the public service under the direct nominations system, he was quite convinced that there was an educational value in the primary system which more than compensated for the trouble and expense of making nominations by this method.

The Voters' League is a non-partisan organization that has come into existence since the enactment of the Primary Law. Its aims and objects are to instruct voters by way of suggestion after the names of candidates are published and before primary day. The league is supported by voluntary contributions of patriotic citizens, and about a week before the primary is held the league publishes over the signatures of a selected committee the names of the candidates, whom the league regards as most worthy and best fitted for the offices sought for. The existence of the league is due to the fact that without such information the mass of voters would vote blindly or upon the personal appeal of candidates and frequently unworthy and incompetent men would secure a plurality and become the party nominees.

Mr. Halbert advocated the extension of the system to State officers and United State Senators, and claimed that the attendance of voters at the primary under this system was much larger than under the former caucus and convention method. He would absolutely eliminate party organization and partisanship from city and county offices. He declared that he believed in a pure Democracy as distinguished from a representative government and

also believed in the "initiative," "referendum," and "recall." He attributed the defeat of the Republican candidate for governor practically to the bitterness of factional fights in the primaries, but also to the magnetic personality of Governor Johnson. The factional fights started in the primaries are carried into the election and frequently result in the defeat of the candidate of the majority party, who was successful at the primary, and instanced the case of a mayor of St. Paul, a reputable business man, who was recently defeated. Mr. Halbert conceded that the majority was not always right, because they sometimes failed to discriminate between honest and dishonest public servants; he thought, however, that in the primary, the voters would discriminate and be swayed by patriotic motives, while at the election that followed, the same people were frequently swayed by factional prejudice (1288). Mr. Halbert strongly supported and commended the action of the Minnesota congressmen, who, with one exception, voted against the recent tariff bill.

Hon. Julius Schmall, Secretary of State since January, 1906, and re-elected as Republican candidate in 1908 at the same election that the Republican candidate for governor was defeated by Governor Johnson. Mr. Schmall strongly condemned the primary law in Minnesota. The practice of the minority party in participating in the majority party's primary is a great evil and the operation of the primary law at the present time is such that it is not getting the best men for the various offices in the Legislature and other places. Professional and business men absolutely refuse in almost every case to enter into a contest where they are obliged to pass through a primary and general election.

In regard to the voting by Democrats of the Republican primary tickets, where the Republican party is the dominant party, Mr. Schmall said that so far as Minnesota is concerned, with eighty or eighty-five counties having large Republican majorities, he did not believe the enrollment system proposed in New York would be of any value whatever, and had communicated his views upon this subject in correspondence with the present executive of New York State.

Several bills were introduced in the last Legislature in Minnesota, having for their object the prevention of this practice by absolutely requiring that a party, in order to be entitled to go

upon the election ballot as a party and to have a separate primary ballot in subsequent primaries, must cast a certain percentage of its registered vote at the primary election; it was thought that the fear of being eliminated as a party would induce Democrats to vote their own ticket, so as to be certain that the required percentage of votes was cast.

In the Legislature, the Democrats were unanimously opposed to it and a number of members of both branches of the legislature of the majority party were opposed to the primary system entirely and the amendments failed. He thought that a 20 or 25 per cent basis would keep the members of each party in their own party at the primary contest and would in a measure alleviate that difficulty. A party enrollment of a year in advance of the primary would be a good proposition, in the opinion of Mr. Schmall.

Mr. Schmall also maintained that as a result of the working of the primary system, it became absolutely necessary to adopt the rotating system in the arrangement of names upon the primary ballots and that now every other ballot was changed, so that in a case of five candidates, the man whose name was at the head of the ticket upon the first ballot would appear there on every fifth ballot.

In regard to the expense to candidates, Mr. Schmall, who was a newspaper man, said that the cost of public announcements, sending out literature, etc., of a candidate for a member of the Legislature, where he was opposed, is greater than what he actually receives as a salary for the session. There are from ten to eighteen newspapers in many of the counties of the State and a candidate is obliged to get his announcements in each one of these papers and to patronize in some way or other, all of them. He cited several cases in the State where young men, as a result of the primary system, have become financially as well as morally bankrupt.

The secretary had no data from which we could determine the public expense of holding the primary, as each county takes care of its own expenses and there is no report made to the Secretary of State.

Hon. W. W. Eustis, former mayor of the city of Minneapolis, and a Republican candidate for Governor in 1898, came from his home in Minneapolis in order to give to the Committee his

experiences under the operation of the Primary Law of Minnesota.

He said, in substance, that the enactment of the Primary Law was due to a feeling that the people were not taking as much interest as they ought to in the matter of nominations and that if you could get larger numbers of them to take an interest that better nominations would probably result. The caucuses and conventions were not regulated by law and while there was some complaint of sharp dealing and sharp practice in the caucuses and conventions, the great object was getting more people interested in making the nominations. There was not much heated discussion when Mr. Dwinelle introduced the Primary Law, and it was easily passed; he was defeated at the first primary under it.

There was no claim that the State was boss ridden and that nominations were dictated, for Minnesota never had a boss. The mayor thought sometimes it would be better if they had a political boss in the State.

While he thought the Primary Law was better than the caucus system, as the caucus was run previously, it has its drawbacks like everything else that is human. He cited one of their first experiences in Minneapolis where the Democrats nominated a Democrat upon the Republican ticket for mayor, and in this case he was elected.

It is difficult to get self-respecting people to run for office and take the chance on the character of a primary fight, which gets to be very intense and oftentimes so bitter that the bitterness continues into the election and defeat follows. The fight is just as bitter as it would be between candidates of different parties, and this bitterness furnishes ammunition for the opponents. In Minneapolis, the Democratic party, being considerably in the minority, have avoided contests and if there has been a hot fight in the Republican party their own candidate used the arguments that have been used by his opponent in the party fight, and in that way the Republicans have lost one or two mayors in the city.

The operation of the law has tended in Minnesota to disruption and disintegration of the majority party and the building up of factions. The evil results from the multiplicity of candidates are common; in many cases they have as many as twenty candidates

for a single office, some of them entirely unfit for the office filed for (1326).

When Mayor Eustis was asked by a member of the Committee for any suggestions which would prevent the bad results of the operation of the law in Minnesota he was unable to make any, but said that he hoped that Minnesota might get some benefit from the experience and investigation of this Committee and requested a copy of the report and expressed the belief that it would help them much in the matter of legislation upon the same subject.

So far as the nominations are concerned, he could not say that the primary had produced any better nominations and he would not say that they were any worse; that there was no material change.

The primary law applies to the nomination of district judges and there is considerable scrambling for that position. At one primary fifteen petitions were filed and three nominated.

In conclusion, the mayor said that from what he knew of the working of the primary law in Minnesota, and from what he knew of the conditions in New York city, he was inclined to think that better results could be obtained under the convention system than under the primary system.

Mr. S. P. Jones, a resident of Minneapolis, and executive secretary and agent of the Voters' League before mentioned, gave the Committee more in detail the work of this non-partisan body.

The Democrats claim it is a Republican organization and Republicans claim it is destroying the Republican organization, and while it has worked to some extent to break up and confuse party organizations locally, Mr. Jones said this was not intentional. There was no such organization before the enactment of the primary law, for its effectiveness was due to the fact principally that it reaches the public twice, at the primaries and at the elections. Its work is to recommend that certain candidates be nominated or to advise the voters to support certain candidates who may be seeking nomination or election.

He believed that the Voters' League has accomplished considerable in the matter of selecting better candidates for office than had been previously selected, and the reason for its existence

and work was the fact that the primary system was not selecting suitable candidates entirely.

Mr. Jones stated that he had prepared for the executive of this State a table showing the participation of voters at the primaries and that under the new system from 75 to 95 per cent in the city of Minneapolis had participated, while under the old system not more than 15 or 20 per cent of the voters of the Republican party participated in the caucuses. Its percentage is determined by the number of primary ballots cast compared with the Republican vote at election or the registration, but did not take into consideration the Democrats who voted the Republican primary ticket. He also contended that the educational value of the primary was great in importance and that the people are taking more and more interest all the while. If there were more primaries and more elections, the interest would be still greater. The majority party primaries have increased quite largely in attendance, while the minority party primary has not shown any marked change; there is no doubt that many Democrats vote for Republicans in many primaries and vice-versa (1357).

He cited an instance where the saloon element of the Democratic party wanted to nominate a man, who would be favorable to their interests in the Republican party and succeeded in doing so, so that if a Republican should be elected, they would have a friend at court. Bitterness engendered in these contests at times undoubtedly has been a factor in the final election. Mr. Jones does not regard direct primaries as a finality in municipal affairs, but believes it to be a step in the right direction, and would welcome the day when there is but one election, entirely non-partisan, both in municipal and county affairs. He said that the "initiative," the "referendum" and the "recall" is the only salvation of our cities; that direct nomination is one important step in securing this desired end in municipal and State politics and everything else is boy's play in comparison (1359). This is the only way to obtain correct legislation and make the representatives directly responsible to the people and make it a people's government. He does not believe in party government by parties, nor the responsibility of nominees to parties, and of parties to the people (1360).

And in regard to the expense incurred by candidates, while

admitting that there were some men who spent a great deal of money he did not believe it was necessary; that many worthy men with small means had succeeded in obtaining nominations. The electors of the party do not feel themselves bound with the results of the primary if their man is defeated and vote for his opponent on the other party ticket. The direct primary is thoroughly demoralizing; it is especially demoralizing in the dominant party and makes strongly for independent voting on local issues, which, Mr. Jones says that he himself and his organization think, is a good thing and one of the reasons why he advocates it (1364).

Mr. Jones stated that he formerly lived in Binghamton, N. Y., and had been familiar with New York politics for a great many years; that he thought New York had a harder proposition than Minnesota and that the problems of the great cities were far more complicated than those of his own State.

Mr. John E. Kring, a resident of Red Lake Falls, Minnesota, and the State librarian appointed by Governor Johnson, expressed himself generally in favor of the Minnesota law and of its extension to State officers. He said, however, that the State of Minnesota had had good and satisfactory officers under the convention system, including Governor Johnson, who had been twice nominated and elected under this system.

It will be remembered that Minnesota has biennial elections and not annual elections as in New York, and Mr. Kring gave it as his opinion that where annual elections are conducted, the primary would keep the citizens in political turmoil for so long a period as to make it undesirable, and under such circumstances, he doubted the advisability of making it State-wide.

He said that the average man rebels against the idea that any one has authority to ask him what ticket he is going to vote or what party he has affiliated with, and that there is a large body of independent men in Minnesota that would be barred from the primaries under any rule which deprived them of the right to vote any primary ticket they desired (1377).

There is also a feeling that the right to select candidates upon any ticket regardless of party is theirs. So far as local or county bosses are concerned he thought the system had lessened their

influence to a considerable extent, but that he did not know of any so-called State boss.

Mr. J. A. Larsen, also a resident of Red Lake county, and a member of the Legislature at the time the Primary Election Law was passed, and now Assistant Secretary of State, was before the Committee. He said in substance, that the operation of the Primary Law in his county, which was of a rural character, was entirely opposite from what the members of the Legislature thought it would be when the law was passed, and in further explanation said that the prosperous farmers and merchants and business men from all localities met in convention under the old system and selected desirable men for the Legislature. The expense was much less and it was much easier to get certain men to run for such offices than under the present system. While he was not openly opposed to the Primary Law, he believed that unless it could be very largely improved, so far as the State of Minnesota is concerned, the present system is an evil one.

Mr. Larsen spoke of contests in his own county; in the last primary campaign, there was something like 2,000 votes cast, of which the Democratic nominee received less than fifty, but the successful Republican nominee was only elected by a majority of 99. The Democrats paid absolutely no attention to their own primary. In his own voting precinct, there were about 100 Republican votes cast and only one Democratic vote. This condition breaks up party ties. He also mentioned a contest for judicial nomination, in which there were four Republican candidates in a district very largely Republican and the contest was so bitter that the independent candidate came very nearly defeating the Republican at the election.

Many men in his locality have expended more money than the office paid in their contest for the nomination, sometimes including funds entrusted to their care, when the contest was so bitter that it was necessary for them to obtain money to carry on the fight. He stated also that the plurality system sometimes selected poor candidates who were nominated because of their activity and persistency.

Mr. W. J. Nolan, a Chautauqua lecturer and former member of the Legislature, thought that the Primary Law of Minnesota had

been satisfactory to the people, had worked out well, but not as well as some of its best friends hoped it would. Many attempts had been made in the Legislature to amend it, but an agreement could not be reached for the reason that a majority of the members were opposed to the Primary Law as an institution, and it was too expensive a system, and when any attempt was made to amend it, there was so much difference of opinion as to how it should be amended, the members were never able to get together.

He was inclined to favor the proposition to require any party to cast at least 25 per cent of its registered vote in order to maintain its party identity upon the election ticket.

He also thought that there should be some amendment preventing the nomination of a candidate by so small a percentage of the vote as sometimes happens where there are a number of candidates, mentioning an instance where a candidate got scarcely 25 per cent.

He could not give the Committee any information as to the working of the Primary Law in the country districts, his experience being entirely confined to Hennepin County, which includes the city of Minneapolis. So far as cities are concerned, he did not believe in any Primary Law or in party politics, but thought the commission system most desirable.

He expressed his belief in the "initiative," the "referendum" and the "recall," but did not think that the country was ripe for a pure democracy, nor that all the legislation should be enacted through the initiative or the referendum, but thought it desirable as a check on legislative bodies, and in cases where the Legislature has failed to enact a law, or has enacted a vicious law, he thought the people should have the right to repeal such law, and to insist upon an enactment of a law generally desired.

Hon. S. G. Iverson, a resident of Fillmore county, Minnesota, and State Auditor, spoke quite at length in favor of the Minnesota Primary Law, and advocated its extension to State officers. To a certain degree he believed in the initiative, the referendum and the recall, and thought it has a tendency in the right direction, as it was giving the people more and more control over their own affairs.

OBSERVATIONS ON THE MINNESOTA SYSTEM.

1. The retention of the convention system for the nomination of State officers and justices of the Supreme Court has a tendency in the state of Minnesota to keep political parties more harmonious so far as State and national politics are concerned. The bitterness aroused in local, municipal and congressional primary contests in the majority party frequently brings about the defeat of the candidate who is successful in the primary contest.

2. The same conditions are apparent in Minnesota as have been found in the other states, and that is the practice uniformly condemned of the members of one party voting the primary ticket of another. The Minnesota primary is quite nearly an open primary, although the voter can be prevented from voting the ticket of another party by challenge.

The enrollment system would, we believe, help this situation to some extent, but the suggestion of such a system in Minnesota is unpopular, as are other suggestions for amendments desired by friends of the law, because the majority of the Legislature appears to be opposed to it upon principle.

3. The combination of the primary and the first day of registration is a saving of expense and has a tendency to bring out a larger vote to the primary. It will be noted that delegates to the State convention are not selected on primary day, but at party caucuses held at such times as the party rules may declare, but controlled by legislative enactment as to notice, method of procedure, etc.

We think the Iowa system of electing delegates at the primary is preferable.

4. The biennial elections in this and other states makes political disturbances and excitement less objectionable than where annual elections are held.

5. If a primary election law with direct nomination features is enacted the assistance of voluntary organizations such as the Voters' League, if conducted fairly and honestly, should be of

great service from an educational standpoint, and is found to be very desirable, and in fact quite necessary in the selection of reputable candidates for public office.

6. The requirement of the Minnesota law that a candidate at the primary shall pay a specified fee, from ten to twenty dollars, according to the importance of the office, undoubtedly has a tendency to prevent irresponsible and undesirable men from becoming candidates at the primary. The petition system of other states has little value, and the State or locality might as well receive the fee from the candidate as to have it paid to agents of the candidates for soliciting signatures to his petition.

7. Under the operation of this law there is no opportunity for geographical distribution of candidates or distribution according to nationality and the cities in a district largely control the nominations as against the rural portion.

8. There is a strong tendency toward the elimination of party politics in the administration of the affairs of cities and for the adoption of the so-called commission system.

WISCONSIN.**THE LAW.**

The Primary Election Law of Wisconsin, providing for direct nominations, was passed in 1903 and the first State-wide primary held under it was in 1906. The primary election is held at the regular polling places in each precinct on the first Tuesday of September. All candidates for elective offices, including United States Senators, are required to be nominated in accordance with the provisions of the act, except State Superintendent of Schools, presidential electors, county and district superintendent of schools and judicial officers, but it applies to police justices and justices of the peace in cities of first, second and third class. In cities of the fourth class primary elections are not held except upon the petition of at least twenty-five per cent of the electors. Candidates for office may also, as in other places, be nominated by nomination papers after the primary.

A candidate can get his name upon the primary ballot only by filing a petition executed by a certain percentage of the voters, verified by affidavit of one elector. The names of the candidates are first placed upon the primary ballot in alphabetical order, and by a recent amendment to the law they are required to be rotated, substantially as provided in Kansas, Iowa and Minnesota, so as not to give any one candidate an advantage over another by reason of his place upon the ticket. Another amendment to the original law provides that the candidate must not procure more than ten per cent of the party vote in the district in which his petition is circulated and all signatures to his petition must be obtained within sixty days prior to the date of filing. The object of this is to prevent a candidate from getting an undue advantage over his opponents by getting a large petition signed.

Separate ballots are printed for each party and these are fastened together and handed to each voter when he applies for a ballot to vote at the primary; the voter then enters the booth as upon election day and marks one ballot, tears it off, folds it and returns it to be voted, and the blank ballots, which are placed in a separate box and destroyed immediately after the primary is

closed. There is no endorsement upon the ticket, so that each voter at the primary votes any party ticket he pleases, regardless of his party affiliations, and has the benefit of an absolutely secret ballot. It has been found, however, that because of this privilege members of the minority party very largely vote the majority party's ticket, and very frequently control the nomination. There is a strong sentiment in the State against depriving the voter of the privilege of the secret ballot, and an amendment has been recently passed providing that unless all the candidates for a particular office poll at least twenty per cent of the party vote, based upon the last vote for Presidential electors, they are deprived of the benefit and privilege of appearing as party candidates upon the official ballot; they may, of course, file independent nominations on petition.

A plurality vote nominates. Party committees are elected in the several precincts to make up the party county, congressional, senatorial and assembly committees. The State convention is composed of candidates for various State offices and for Senate and Assembly nominated at the primary, and Senators whose terms of office extend beyond the first Monday in January of the next ensuing year after the primary. This convention formulates the platform of the party, elects State central committee, and in presidential years nominates presidential electors.

For a number of years prior to the adoption of the Primary Election Law there was in force a Corrupt Practices Act requiring all candidates for office to file statements showing their expenditures in procuring the nomination and election. There is no limit to the amount, but some general provisions as to limitation upon the methods and objects of such expenditure.

THE OPERATION AND RESULTS OF THE PRIMARY LAW IN WISCONSIN.

Sessions of the Committee were held at the capitol in Madison and at the city hall in Milwaukee. So many witnesses appeared and the record of their testimony, covering pages 1433 to 1942, is so lengthy, that it will be quite impossible, in the limits of this report, to do much more than mention the new salient points brought out upon the examination.

There are strong factional differences in the Republican party, the so-called Halfbreed element under the leadership of Senator Robert M. LaFollette, generally favoring direct nominations, but advocating amendments to the present law so as to provide for what is known as the "second choice," while the Stalwart faction is quite generally opposed to the law.

Something like twenty-five bills were introduced at the last session, seeking to amend the law in various particulars, but the only amendments of any importance that were permitted was the one requiring that candidates for a particular office must poll at the primary at least twenty per cent of the party vote, and the amendment providing for the rotation of names of candidates for any designated office.

A bill was presented, but not passed, providing for a method of second choice, which bill was strongly advocated by Mr. Charles J. Lush, chief clerk to the secretary of state, who was before the Committee. Apparently this measure will meet with less opposition at the next session of the Legislature, for Senator LaFollette has recently advocated it through his publication known as "LaFollette's Weekly Magazine."

A bill was also introduced providing for party enrollment for the purpose of preventing members of one party from voting the ticket of another.

Hon. J. A. Aylward, the Democratic candidate for governor in 1906 and 1908, stated to the Committee that he had prepared a bill for this purpose following the Oregon law; that it went to the committee on elections and that Mr. Roycroft, the chairman, stated that the committee did not want to report the bill because the Halfbreed members of the committee had had Democratic support in the primaries and expected it in the future and did not wish to prevent it, and that the Stalwart members thought it was introduced so as to help the Democratic party and they did not want to support it; so between the two factions it died. Mr. Aylward said that the situation in this State is such that the primary law is killing the minority party and they can scarcely maintain an organization when both factions of the Republican party are "drawing and pulling and trying to get us to go into their caucus." (1533, 1534.) He strongly opposed the twenty per cent bill above referred to, and said it would probably kill the

Democratic party in the State of Wisconsin, as it is a very difficult thing for the minority party to get twenty per cent of its vote to the primary. The use of money in the primaries is all powerful. "I think any man," said he, "I don't care who he is or what his record is, if he has got enough money, he can carry the State either on the Democratic side or the Republican side for a nomination for any office in the State."

Mr. Aylward, however, believed that the Primary Law was an improvement over the practices of the old delegate and convention law, as they were conducted without any statutory control.

The secretary of state, Hon. James A. Frear, strongly defended the law and believed that conditions under it were much better than under the delegate and convention system, and that if it were possible to amend it, its operation might be perfected.

Mr. Frear was the first of the secretaries of state to commend the system of direct nominations before this Committee, the secretaries of Kansas, Iowa and Minnesota having condemned it.

Mr. Charles J. Lush, above referred to, expressed himself as opposed to the Primary Law of Wisconsin, particularly because it did not secure nominees who were the choice of a majority of the party. He also thought it was a mistake to extend the law to include State officers and believed that a system which provided for the election at primaries of delegates to State conventions and for direct primaries so far as the nomination of local and county officers are concerned, would bring about a better situation, and make less factional disturbances in the majority party.

Hon. John M. Whitehead, a Yale graduate and State senator from Janesville, Rock County, and a Republican in politics, strongly condemned the law and the practices that have grown up under it. Biennial sessions of the Legislature are held and the salary for senators and representatives is \$500 for the two years with one mileage and no additional salary for extra sessions. The term of members of the assembly is two years and for senators four years. There has been substantially no change in the *personnel* of public officers since the introduction of the Direct Nominations system; the men who were in office have very largely retained their positions.

Mr. Whitehead's county voted against the adoption of the Primary Law when it was proposed and submitted to the people

on the Referendum in 1903. To use the words of Mr. Whitehead (1488), "I think it has created a great deal of turmoil and political trouble without any material change in the *personnel* of the public officers and has entailed upon candidates a great deal of personal inconvenience and expense and annoyance that they did not know anything about under the old system. It has a tendency to disrupt parties; the party leadership gives way to personal leadership and cliques get in operation. It tends to take away the interest of the average citizen in political activity, practically paralyzes the general political committee; in my county, which is overwhelmingly Republican and where we formerly had a strong central organization, it is difficult, almost impossible, to maintain any effective party committee organization and difficult to get men to attend political meetings, and under the methods of selecting committeemen at the primary it has gone largely by default and people have neglected to vote for committeemen and have paid little or no attention to the matter." (1489.)

Candidates cover the billboards with what they have done and what they propose to do, and fill the newspapers with their personal advertisements. The whole country is plastered over with posters, photographs and lithographs; nobody is responsible for the candidate, no party and nobody but himself and his little clique. (1490.)

Referring to the large number of voters who participate in the primary, Mr. Whitehead said that the candidates have their own workers and everything is on a commercial basis. The primary has developed a school of retainers or professional workers whom a candidate may retain in his service and employ during the campaign, and this man manages the campaign of a candidate and it is the business of these men to scurry around and get the vote out. Railroads and other great corporations frequently take a hand in securing the nomination of some candidate. The tendency is toward cliques and intrigues and personal factions more and more. A great leader gathers around him a following and strives to hold it; the following that rallies around one man is not a party but a personal following. Parties are united on principles and customs. There is nothing to bring the people together in the primary for an exchange of views.

Referring to the attempted amendments of the law, he said: "No law on the statute book is sought to be tinkered so much as this Primary Election Law. It is artificial throughout from beginning to end, arbitrary in all its provisions, everything about it is invented. All the experience of the people in regard to the management of their parties was cast aside, and the whole law is constructed practically on a new basis from top to bottom and the result is that it galls first on one shoulder and then on the other, and one Legislature fixes one thing, and then the next Legislature fixes something else, or fixes the other thing over again" (1503).

He referred to the re-nomination of Congressman Babcock and to his defeat at the election and attributed it to bitterness that grew out of the primary between Mr. Babcock and his opponents, within his own party.

Hon. John M. Clancey, an attorney of Stoughton, Wisconsin, a Democrat in politics and formerly an Assistant Attorney-General of the State, also at one time mayor of his own city, appeared before the Committee.

Mr. Clancey has been very active in politics as a public speaker, secretary of the Democratic State Central Committee and National Democratic Committeeman from Wisconsin and one of the secretaries of the Democratic National Convention held in Chicago in 1896. Mr. Clancey took substantially the same views given by Mr. Whitehead. He said that voters could have no reliable information as to the character and fitness of candidates and that if a good man was nominated it is more likely to be accidental than otherwise. The fact that voters must make their choice of candidates in ignorance of their characters, has led hundreds of men to aspire to public office who would not dare submit their character and qualifications to the scrutiny of a nominating convention.

In conclusion, he said: "In theory the law appears to be all right; in practice it is simply damnable. The states that have not yet adopted it are to be commended for their wisdom; the states which have adopted it are sufficiently cursed without adding additional imprecations. Tell the Democrats of New York to flee from it as they would from a sinking ship."

The minutes of Mr. Clancey's testimony taken at the hearing

were unfortunately destroyed by fire at the stenographer's cottage and Mr. Clancey subsequently furnished the substance of his testimony, with a letter of transmission, which is made a part of the record.

One of the most frank, careful and conservative witnesses was Professor Ernst C. Meyer, professor of political science in Wisconsin University, who has written a book upon "Nominating Systems," and whose testimony given before the Committee appears at pages 1541 to 1565.

Professor Meyer said, that upon the general principle of direct nominations, as contrasted with nominations by representatives, after a good deal of study and reading, he reached certain conclusions and in 1902 he came to be strongly in favor of direct nominations for all offices in the State, that is a "State-wide primary." "I did not," said he, "see many possibilities for corruption which I see to-day after the law has been in use in our State, and a good many of the other States, and I have some reason to say that I should modify my view somewhat. I believe that all in all the direct primary is superior to the convention system, but we have all seen defects in it and I presume that only an incurable idealist would have expected a new system to operate without difficulties in some cases, cases of great importance, which in the eyes of many have proven the primary a failure."

In pointing out the defects of the system, Professor Meyer gave to the Committee many concrete cases which he said he believed would be of more real value than any academic argument.

First, as to the public expense:

The first trial of the primary was 1905, and the cost varied from fifteen cents to twenty dollars a vote, and about 75 per cent of the total vote of the general election participated. In one precinct seven men were paid \$2.50 each by the State and received 31 votes. This is an extreme case and no more proves any rule than the case mentioned by Mr. Price in New York, where in a certain district in 1888, 50 voters chose 115 delegates, as this would not be typical of the operation of the convention system.

In the fall primary of 1906, about 60 per cent of the total party strength was represented. The Republican party, however, cast a vote of 93 per cent of its full strength and the Democratic party

a vote of about 20 per cent, the Prohibition party a vote of 19 and a fraction, and the Social Democratic party 10 and a fraction, bringing the total vote cast in the primary to 64.

In 1905, in the fall primary, the participation amounted to almost 46 per cent of the vote cast at the general election.

From this, Professor Meyer says that the conclusion will probably be drawn that the participation has been larger and in some cases considerably larger than it was in the old caucus and convention system.

The larger participation of the voters, however, is largely due to the public excitement induced by the personal advertising and activity of the candidates and to the expenditure of large sums of money in the campaign. A large number of candidates, any one of whom may be nominated by a plurality vote, all organizing, and advertising, will undoubtedly result in bringing out a larger number of voters than will ordinarily participate in a primary for the election of delegates.

In the campaign for the office of United States senator in 1908, Mr. Stevenson received 31 per cent of the party vote, total 56,839; Mr. Cook, 26.25 per cent, total, 47,944; Mr. McGovern, 23.30 per cent, total, 42,631; Mr. Haddon, 19.44 per cent, total, 35,621.

In the Democratic party, Mr. Brown received 66 1-2 per cent of the party vote, total 24,944; Mr. Hoyt, 33 1-2 per cent, total, 12,281.

Second, as to plurality nominations:

In Milwaukee, in 1906, there were five Republican candidates for sheriff. The winner received 9,694 votes out of a total of 26,412, or about 37 per cent of the party vote.

For treasurer, there were six candidates, the winner received 5,931 votes out of a total of 29,448, or about 23.3 per cent of the party vote.

For clerk of the court, there were three candidates; the winner received 7,465 votes out of a total of 20,115, or about 37 per cent of the total party vote.

For register of deeds there were three candidates and the winner had 8,388 out of 22,963, or about 36 per cent of the party vote.

In no case did any candidate get a majority of the party vote. On the other hand, in 1906, in the contests for State senator, there

were only two cases in all of the parties where there were more than two candidates and in those two, there were three, one of whom received 40 per cent of the total vote and the other 41 per cent. The congressional districts in 1906 showed but one contest where there were more than two candidates, the fourth district, where there were three, and Carey, the successful candidate received 42 per cent of the total.

In the case of State officers, in 1908, the present Secretary of State, Mr. Frear, received 36 per cent of the total vote, with three candidates in the field. State Treasurer Doll received 29 per cent with five candidates, and Attorney-General Gilbert, 51 per cent with three candidates in the field, his being the only case of a majority nomination.

The investigation of the Bureau of Statistics seems to indicate that in fifty-nine cases out of a hundred, the candidate was nominated by a majority of the total vote.

Professor Meyer suggests that some minimum requirement might be made as in Iowa to the effect that a candidate must receive a certain percentage of the vote in order to be entitled to the nomination.

Third, as to expenditures by candidates:

Professor Meyer states that the facts indicate that politics is a bad business; he came to this conclusion in comparing the total expenditures with the salary of the office sought.

In 1906 there were five candidates for State Treasurer, and the expenditure for the primary was \$8,192.42 for the \$5,000 office.

In the Fifth Congressional District in 1906 the contest for the nomination for Congress between Cochems and Stafford cost \$3,738.43.

In 1908, when the contest was sharp, the expenditure was \$5,927.26, for both primary and general election. In 1908 five candidates for sheriff, three Republicans, one Democrat and one Social Democrat, expended \$9,386.26.

In the contest for district attorney in Milwaukee in 1906, Mr. McGovern, the successful candidate, expended \$15,574.85, and his opponent \$15,252.75, making a total of \$30,828.58 for the \$5,000 office for two years.

The four candidates for United States senator in 1908, according to their sworn statements, filed in the office of the Secretary of State, expended \$189,988.05, of which the successful candidate, Isaac Stevenson, spent \$107,797, approximately \$2 for every vote he received at the primary. After the primary, his opponents under the leadership of Senator LaFollette, sought to have the Legislature repudiate the primary vote, and except for the absence of two Democrats, this would have been accomplished.

Professor Meyer deprecated so large expenditures and said that while the candidate might be, and probably was, an honest man, and was going into the business of trying for office for the honor of holding the office, he could conceive how it was so expensive, and if he had to borrow the money, he would be under obligations in many different ways. The direct primary is rather an expensive thing for any candidate, good or bad, and the difficulty is to remedy it.

He does not think it is wise to attempt to limit the amount of the expenditure, as has been suggested, to a certain percentage of the salary of the office, nor to attempt to limit it by defining the items for which no expenditure may be incurred, but rather define the items for which a candidate may create expense; tell him what he may do and not what he may not do (1556).

While not advocating it, he nevertheless expressed the view that we might come to a time where the State would pay the expenditure of candidates, as is done in Colorado.

Referring to the senatorial campaign, the professor thought he could see a sunny side to the expenditure of so much money, because of the popular agitation it involves, that the moral standard of the press would ultimately be raised, although the tendency under this system was to lower it; in going through the country he found many people, who said they could not accept what they saw in the papers and he believed that ultimately there would be a reaction; that the press, in order to keep its power, would have to raise its standard of accuracy. The disposition, however, to expend so much money in securing nominations put the poor man to a great disadvantage (1559, 1560).

Fourth, as to the breaking of party lines:

According to Professor Meyer's computations and reasoning,

he declared that in 1906, 24 per cent of the total vote cast in the Republican primary represented men who bolted their own party and entered the ranks of the Republican party, or a total of above 50,000 Democratic voters in the State. In 1908 about 19 per cent of the Republican vote at the primary was the vote of Democrats, representing about 40,000 votes in the State.

In the Fifth Congressional District in 1908, the Democrats polled in the primary, 1,248 votes; and in the general election, 8,656 votes; and in the primary, the Social Democrats polled 938 votes; and in the general election, 8,769 votes.

It is an undisputed fact that the Social Democrats and Democrats entered the Republican ranks to a very large extent and controlled the nomination. In Milwaukee, in 1906, Mr. McGovern was a strong candidate for district attorney. The Social Democratic candidate, Thiel, polled but a few votes and his friends assisted in defeating McGovern in the primary. McGovern then ran as an independent candidate and received 15,508 votes as against 15,484 votes for the Social Democrat, Thiel.

In the senatorial contest in 1908, at least 50,000 members of the Democratic party voted the Republican primary ticket, which fact Professor Meyer determines from a comparison of the votes.

As to the enrollment system in vogue in New York, Professor Meyer said that might be the most effective solution of this problem, but there were many objections as it does not give the voter a sufficient independence at the time of the primary.

The frank and candid statements of the learned professor are worthy of thoughtful consideration.

As an illustration showing the lack of participation by Democrats in their own primary, and the apparent participation of Democrats in the Republican primary, we have copied a few figures from the Wisconsin Blue Book of 1907, in the primary contest for Governor and the election that followed:

Adams County, Primary Election.—The town of Adams cast for the Democratic candidates 11 votes; for the Republican candidates 72 votes.

Election.—The same town cast for the Democratic candidates 28 votes; for the Republican candidate 67 votes showing 5

more Republican votes and 17 less Democratic votes cast at the primary than at the election.

Primary Election.— The town of Big Flats cast for the Democratic candidates 2 votes; for the Republican candidates 44 votes.

Election.— The same town cast for the Democratic candidate 15 votes and for the Republican candidate 36 votes, or 13 less Democratic votes and 8 more Republican votes at the primary than at the election.

In the entire county of Adams, at the primary election, there were cast for the Republican candidates 830 votes, and for the Democratic candidates 44 votes, while at the election which followed there were cast for the Democratic candidate 212 votes, and the Republican candidate 699 votes, or 179 less Democratic votes and 131 more Republican votes at the primary than at the election.

An examination of the primary and election returns from the rural counties will disclose the fact that this condition prevails with rare exceptions all through the State.

In Milwaukee County a similar comparison discloses the fact that at the primary there were cast for all Republican candidates for governor 27,191 votes, and for the Democratic candidates 2,361 votes; for the Social Democrats 2,197 votes. At the election which followed the Republican candidate received 24,521 votes, the Democratic candidate received 12,856, and the Social Democrat received 17,061, which goes to show that the Republican candidates at the primary received 2,670 more votes than the successful Republican candidate received at the election.

This was presidential year and it is probable that substantially the full strength of the Republican party was out at the election.

The results above show that either large numbers of Democrats vote Republican tickets at the primary or that the Republicans do not support their candidate after his nomination.

The Blue Book referred to is returned with our report for further reference.

Many witnesses were examined upon both sides of the question in the city of Milwaukee. Among those who condemned the law were Hon. Edward T. Fairchild, Republican State senator, who asserted that the Primary Law has not benefited the State adminis-

tration in any respect, and that so far as any existing evils of the convention system are concerned, he had always thought it was more of a desire on the part of certain men to get the public's attention and hold it rather than to cure existing evils, that the primary idea was advanced. The evil influence of money had been aggravated rather than lessened.

He contended that under this system there was "less government by the people and more government of the people." "Candidates spring up who have some theory or idea which they can present in a catchy way and when all have formulated their notions of government before the campaign is over you haven't anything except a general mixup or a fight between individuals for the office."

Senator Fairchild thought that the old system needed to provide throughout the State for the election of delegates at the primaries for all conventions and doing away with the intermediate convention to select delegates to some other convention. This occasioned more criticism than any other feature of practice under the convention system, and in this connection, he added, "but your voters in New York will surely make a mistake if you do away with the State convention. The bringing together of the people from all over the State is a mighty valuable thing in political life and in the social and economic life of your state." (1605.)

Referring to the contest for United States senator in 1908, he mentioned the fact that Senator LaFollette was elected by the Legislature without a popular vote, and that Senator Stevenson had been a candidate for the same office about ten years ago before the Legislature and failed, while he succeeded under the primary system in securing thirty-one per cent of the Republican vote, which was subsequently ratified by the Legislature.

Special interests are not handicapped and prevented from naming candidates under this system, as they can easily and quietly get control during the primary campaign.

The claim that a candidate thus nominated is more directly responsible to the people than under the old system is a fallacy. He is under obligation to certain individuals who get back of him and elect him, and it may be a very small percentage of the voters, while under the other system he is under obligations to his party and party representatives.

Mr. Frank M. Hoyt, a lawyer and the president of the school board of the city of Milwaukee, but having held no political position except for some years chairman and secretary of the Democratic county committee, characterized the Primary Law as vicious. It is enormously expensive to the public, builds up a clique of office holders who enter into such combinations that an independent can hardly break in; the advantages arising from the association and getting together of men interested in political affairs in the caucus and convention is lost; in a convention the delegates see the man that they are voting for and become acquainted with him and can form a better opinion of his character than they can from his photographs published through the newspapers.

It is enormously expensive to the candidates and prohibits a poor man from making a canvas for any important office. So far as the interest of the voters in coming out to the primary is concerned it is not genuine. They are swamped with letters and circulars requesting them to go and vote for this one and that one, as they are urged by their friends to do, and it is impossible for them to pass any intelligent judgment upon candidates in one case out of fifty. While there was more or less trading done in conventions, Mr. Hoyt said that his experience was that the cases of corruption were very rare.

Mr. Hoyt said that he had talked with many of the members of the Legislature who voted for Senator Stevenson, and that they had privately expressed to him that they voted for Senator Stevenson in the Legislature because they felt bound by the result of the primary election, and not because they desired that he should be senator.

The wisdom of electing a man as the junior senator from Wisconsin who is about eighty-one years of age is questioned.

Mr. Hoyt also gave his experience in endeavoring to find acceptable candidates to run for aldermen under the primary; in one instance in the interests of the party and for the purpose of getting rid of two very objectionable men who were members of the board, he interviewed at least a dozen business men, not one of whom would consent to run because of the double election. This, he says, is typical of the situation everywhere.

Hon. David S. Rose, who is now serving the tenth year and fifth term as mayor of Milwaukee, characterized himself as a

"thoroughbred Democrat." He said he had been active in Wisconsin politics for thirty years, was familiar with the operation of the caucus and convention that prevailed in the State until about three years ago, and had had opportunity to observe the practical operation of the Primary Law in Wisconsin. Mayor Rose has been nominated twice under the Primary Law and subsequently elected. He is a man who apparently has the courage of his convictions when he says: "I regard the Primary Law as the most vicious system that was ever devised by human ingenuity, and I think I can give reasons for my faith." (1632.)

The mayor described political conditions in the city and the actual operation of the law in vigorous language, which it is impossible to repeat at length here. The bitterness resulting from the primary campaign is so intense that a very large percentage of those who supported the defeated candidate refuse to support the successful candidate, although of his own political party. Pre-primary organizations requiring a great effort and the expenditure of considerable money had to be made by all candidates. The organization of the successful candidate continued after the election, but that of the defeated candidate went to pieces.

The members of one party constantly nominated the candidates of the other for the purpose of defeating him at the polls.

The mayor did not see how it was possible to require a party enrollment so as to prevent a man from changing his mind as to his politics as often as he wishes to; that any other rule would be disastrous to our form of government.

The Social Democrats, who are very strong in the city of Milwaukee, have no contests in their primaries as they are a dues-paying organization and select their candidates to go on the primary ticket by some sort of referendum vote. This leaves them free to act with one party or the other for the purpose of securing weak candidates whom their men selected by their own method can oppose. It may be said in this connection that there are a large number of Social Democrats who are members of the city council.

In the spring of 1908 there were six candidates for nomination for the office of mayor, two Democratic candidates, three Republican candidates and one Social Democratic candidate. There

were five different organizations affected and the pre-primary campaign lasted ten weeks. A large amount of money was spent by all of the candidates. As soon as the nominations were made the individual organizations disintegrated and the partisan feeling that had been engendered between the candidates at the pre-primary campaign asserted itself at the election and the Social Democratic candidate, who had had no contest, had 2,476 more votes than the Republican candidate, and came within 2,219 votes of defeating Mayor Rose upon the Democratic ticket.

Under the old system of electing United States senators, Senator Quarles, a poor man, defeated Senator Stevenson, a reputed millionaire. Senator Quarles is now the United States district judge of this district.

Mr. Edward Hinkel, city clerk of Milwaukee, furnished the Committee with copies of the expense accounts of candidates for primary elections for city officers.

Louis A. Dahlmann, Republican candidate for mayor:

Salaries of headquarters of employees.....	\$1,250 00
Advertising.	3,520 69
Services.	1,225 00
Rent.	530 00
Hall rent.	350 00
Carriages.	325 00
Services.	1,225 00
Postage.	450 00
Incidentals.	250 00
	<hr/>
Total.	\$7,900 00
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The salary of the office is \$4,000 and the term is two years. Mr. Dahlman received 2,590 votes, the least of any of the candidates, and his expenses were a little over three dollars a vote.

John T. Kelly, Republican candidate for mayor:

Total expense	\$3,205 80
	<hr/> <hr/>

The items of his statement covers nearly four pages and includes rent of halls, etchings and cartoons, zinc cartoons, advertising and programs, advertising in addition to bill programs,

Royal League programs, reporting and transcribing speeches, messenger service (\$334.95), 100 campaign posters and a large number of other items of printing and advertising, cigars, lantern slides. He received 6,645 votes.

T. J. Pringle, the successful candidate for mayor in the Republican party, filed a statement showing expenses amounting to \$6,141.02. There are thirteen different items under the head of "Payments to various persons." About \$3,150 of this sum was paid for advertising and printing and a considerable sum for cigars and refreshments. Mr. Pringle received 8,262 votes.

W. G. Graebner, Democratic candidate for mayor, spent \$2,488.23 and was unsuccessful. His advertising and printing bill amounted to about \$675, besides \$46 for a half tone and \$45 for a press agent. Mr. Graebner received 8,068 votes.

David S. Rose, the successful Democratic candidate, expended \$5,223.89. Mayor Rose received 18,048 votes.

The Democratic vote cast at the primary for all candidates for mayor was about 3,300 more than the vote cast for the Democratic candidate for mayor at the election, and the Republican primary vote for mayor was about 2,000 less than the vote cast at the election for the successful Republican candidate.

The printing of the primary tickets, etc., cost the city \$7,805.10. It is quite customary for candidates to have sample ballots printed with their name X-marked, and these are distributed throughout the city so as to instruct the voters how to vote for the particular candidate in whose interest the ballots are circulated.

Mr. J. F. Donovan, a lawyer, of Milwaukee, and unsuccessful Democratic candidate for Congress and for district attorney, stated that, from his observation of the working of the Wisconsin Primary Law, it is a farce and does not accomplish what was intended to be accomplished by the framers of the law, if they did intend it to accomplish any reforms.

His statements substantially corroborated the views expressed by Mayor Rose. He also condemned the placing of candidates upon the ticket in alphabetical order. The benefit which the candidate has, whose name appears at the top, where there are a number of candidates, was, we believe, admitted by every witness before the Committee in every State, whether commending or

condemning the Primary Law, and in at least five of the States visited, the rotating system has been adopted by statute.

Hon. C. E. Estabrook, of Milwaukee, a Republican lawyer, who has served five terms in the State Legislature and was Attorney-General of the State for four years, thought it would not be wise under present conditions to repeal the Primary Law in Wisconsin, although it has not come up to what its friends claimed for it; it has been unsatisfactory and is not a success. It failed in a very marked degree to bring out first class men for public office and to make merit, ability and efficiency the controlling factors in selecting candidates for public office.

It has excluded "the office seeking the man" almost entirely. If the caucus and State convention could have been preserved and the abuses which had grown up under that system corrected by the Legislature, it would have been better.

A State convention composed of men who are not running for office is a great deal better equipped to select a State ticket than the people are in an unorganized way under the primary election. Discussion of public topics and principles can only be had through the medium of such convention. The witness said that it was no reflection upon the voter to say that a State convention was better equipped to select candidates for State offices than the people, for it is to the credit of the great mass of people that they are attending to their business rather than to politics. While there is some advantage in having the candidates make the platform, still the old method of having the same convention that nominates the candidates make the platform, he believed to be better. In all of his years' experience as a delegate to State and national conventions, there was very little charge of corruption and improper use of money.

It was the effort of the Committee in seeking information as to the working of the primary laws to obtain expressions from men who were not office holders or candidates for office, but who, because of their patriotic citizenship, have made an unprejudiced study of political systems. It is unfortunately true, as before stated, and to quite an extent observable by the Committee, that the views of strong partisans or close followers of one faction or the other, coincided with the well known ideas of the factional

or party leaders. Whether the opinions of such men were to any degree influenced by the opinions of their factional leaders, or whether they were members of a particular faction of the dominant party because of the fact that they entertained views similar to those of the leaders, it is, of course, impossible for the Committee to determine. The fact, however, will be recognized as common to all factional or party politics.

Probably the best informed man in the State of Wisconsin upon the subject of primary elections is Emanuel L. Philip, of Milwaukee, a Republican, who has never held an office and has never been a candidate for office, although some years ago having been a member of the executive committee of the State committee of his party. He is the president of the Union Refrigerator and Transportation Company. For ten years, since the primary question came up for discussion, he has made a particular study of this method of nominations, a portion of the time having an employed secretary for the purpose of gathering data from Wisconsin, by watching political movements and in endeavoring to ascertain the effect that these changes have upon the body politic (1776).

Mr. Philip began by stating that the Legislature of New York acted wisely when it appointed a Committee to investigate the workings of the direct primary in states where the law is in operation, before adopting it. "I feel," said he, "confident that you will take home with you evidences of failure and disappointment in this and other States where it has been tried that will cause your people to reject it. It would have been well for the people of this State if they had waited for a demonstration in other States of the advantages of this method of making nominations over the party convention plan before they adopted it; however, the agitation for it produced new political leaders whose personal interest demanded an immediate enactment of the law, if they were to continue their leadership, and our people, influenced by the plausible theories advanced in support of the scheme, permitted themselves to be literally talked into it" (1778).

Because conventions in Milwaukee some years prior to this were conducted in a disgraceful manner until an act of the Legislature, amended from time to time and applying only to Milwaukee county, provided a legal primary day and primary ballot. In 1897

this was extended to practically the entire State. It preserved conventions and did not disrupt political parties. It was satisfactory in its operation and no specific complaint was ever registered against it, except by a few radical reformers, until 1901, when Governor LaFollette organized an active campaign for direct primaries, which passed the Legislature in 1903 and was adopted by a small vote at the June election in 1904 (1781). There was no real necessity for any radical change in the nominating system when this law was passed. Wisconsin was not a corrupt State and from the time the State was admitted into the Union up until 1903, no election fraud, real or alleged, had ever received the attention of the Legislature, and few, if any, of the courts.

The laws regulating the primaries had been amended from time to time for twelve years and a splendid system was being adopted that was working satisfactorily.

The argument which had most force was that it would bring the government closer to the people by giving them the right to select their own public officers by a direct vote and would as a consequence destroy the influence of the boss. In its practical operation that has not proved true. It was also claimed that it would improve the *personnel* of the public officials. This has not occurred. In proof of his assertion that the *personnel* of public officials has not been improved under the law, Mr. Philip mentioned the fact that at the time of the adoption of the law, the State was represented in Washington by Senator John C. Spooner and J. V. Quarles, now a Federal judge. The State is now represented by Senators LaFollette and Stevenson, the latter a man upwards of 81 years of age. He also called attention to the fact that at that time out of eleven congressmen, the Wisconsin delegation held the chairmanships of the Judiciary, of Affairs of the District of Columbia, of the Committee on Insular Affairs, and had an important position on the Committee on Ways and Means; also on Military Affairs, and the Committee on Marine and Fisheries and the Committee on Rivers and Harbors. To-day the State has one chairmanship in the lower house of Congress, and for the first time the State has furnished Congress a prominent member on accoustics and ventilation. He denied that the loss of prestige on the part of the Wisconsin congressional delegation

was due to the antagonism of the speaker, and claimed that it was due to the fact that each man represented a personal platform, which he was obliged to frame in order to secure his nomination and does not represent the Republican party of Wisconsin; it is a situation that they have made themselves and are themselves responsible for.

As to State officers, he said they had always had good men; that a long line of distinguished gentlemen had occupied the Governor's chair, and there had been no better Governor than Governor Scoville, and that the present incumbents were no better than their predecessors.

Before Wisconsin had a Primary Law the ruling party was responsible for the acts of the Legislature; now nobody is responsible and responsibility cannot be located; it is divided between 133 people; each shifts it upon the other. The Legislature is divided into little cliques; each clique has a leader, who has some political axe to grind. The fact of this can be easily seen in the expenditures of the State, which have doubled in the past ten years. The public business was formerly run on about three and a half millions and it now takes over seven. There have been no very expensive public operations except that recently a new capitol building has been started.

In regard to the minor offices there has never been so much scandal as in the past five or six years. They have meddled more in politics; they have been used in politics in a manner that no party would be responsible for, and it has been done because there is no party responsibility for any of these things. The action of the game wardens and factory inspectors is a matter of public scandal.

The public morals have not been elevated by the change in the method of making nominations. Never before in the history of the State has so much money been expended in campaigns as at present; never before were so many open charges of corruption and unlawful use of money.

To substantiate this statement Mr. Philip presented a great many figures, some of which we will incorporate.

He covers a period of ten years during which time, the "Pub-

licity Act," which was passed in 1897, has been in force, both before and since the adoption of the direct primary:

All candidates for mayor before the Primary Election Law:

1900	\$3,081 50
1902	1,966 64
1904	627 25

All candidates for mayor under the Primary Election Law:

1906	\$14,735 21
1908	25,513 00

Other city officials before the Primary Law:

1904	\$3,203 00
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Other city officials under the Primary Law:

1906	\$20,638 89
1908	30,039 00

All State officers before the Primary Law:

1898	\$8,230 93
1900	13,547 95
1902	17,820 61
1904	9,628 60

All State officers under the Primary Law:

1906	\$27,915 49
1908	50,479 49

The same abnormal increase in the expenses of candidates appears from the statements filed with the county clerks.

In Milwaukee County:

1898	103 statements were filed and expenses reported	\$14,887 91
1900	67 statements filed, reporting	24,952 58
1902	53 statements filed, reporting	27,792 14
1906	The first year under the Primary Law, 96 statements filed, reporting	69,873 03
1908	87 statements filed, reporting	46,308 87

It is not true that these increased expenses are caused by the increased number of candidates, as a comparison of the number of statements filed in each year will show.

The expenses incurred by the candidates for mayor after the primary have already been mentioned. Before the primary for all candidates they were as follows:

1898	\$1,574 60
1900	3,081 50
1902	1,966 65

The first year under the primary the total was \$14,735.81, and the second year under the primary the total was \$25,513.

It will be thus seen that prior to the primary election the candidates never expended more than \$3,881, as against \$25,513 in 1908 under the primary system.

These reports were always under oath and Mr. Rose's oath is no better now than it was in 1902 or 1900.

Mr. Philip also went minutely into the expense statement filed by all State officers both before and after the Primary Election Law and similar increases appeared.

In the congressional districts, the following statements were filed:

1898	Ten congressmen reported	\$19,437 75
1900	Same reported	19,834 88
1906	The first year under the primary system ..	45,327 78
1908	... . . . .	50,517 79
1899	In the United States Senate there were five candidates who reported	6,760 60
1903	John C. Spooner was elected without opposi- tion and reported no expense.	
1905	Mr. LaFollette was elected and reported..	26,287 00
1907	Mr. Stevenson was elected against one can- didate and reported	6,137 89

There was no contest in the primary in 1907, the Legislature being in session when Senator Spooner resigned.

In 1909 four candidates reported \$192,977.59 "to the best of their recollection." The successful senator reported \$107,000.

Mr. Philip contended that the expenditure of this enormous amount of money would not improve the public morals, but on the contrary hurt the public morals, not that the money was spent corruptly or that votes were bought, but to spend that amount of money under any system you may devise in procuring public office gives young men a wrong idea of elections, and public morals are necessarily depraved by it. The money is spent in employing men in different parts of the State, who have lists of names, and who are in a sense the boss of his community. For hire he becomes active in the candidate's behalf, sees many people, hires teams to bring voters in and does whatever he sees fit with the money. They procure advertising space in newspapers, give donations to various public institutions. The active politician who is in politics for money, for what he can get out of it, generally gets "next" and gets all he can. Mr. Philip did not think that the newspaper advertisements of candidates were an educational advantage. The promulgation of party doctrines and the distribution of literature is commendable but the personal self laudatory statements of candidates is to be condemned.

Some of the strongest advocates of the Primary Law repudiated it when defeated under it. Mr. F. E. McGovern was a candidate for district attorney and was fairly defeated in the primary, and stated a day after the primary that he was satisfied with the results; a few days later he thought differently, and ran upon an independent ticket against the regular Republican nominee and was elected.

Mr. H. L. Eckern, an able leader and speaker of the assembly, was defeated in the primary in 1908 for the nomination to the assembly. He was not satisfied with the will of the people and ran independently and was defeated. After Mr. Isaac Stevenson, present United States senator, had carried the primary in 1908, Senator LaFollette, the apostle of the primary, was not satisfied with the will of the people and has been fighting Mr. Stevenson ever since. Special reasons for repudiating it are always urged. These instances are mentioned merely to show that the men who were leaders in advocating it have shown that they believe in it

only when it works to their benefit. This is not consistency. Mr. Philip further contended that it had disorganized parties and built up personal political machines. Republican clubs and Democratic clubs for the promulgation of party policies and party principles have disappeared from Milwaukee and other cities of the State and in their place are Stalwart and Halfbreed organizations. Were it not for factional politics there would be no party in Wisconsin to-day, unless it would be the Socialistic party, which maintains an excellent organization. In the Legislature the Republican factions are at war with each other, proposing and securing the appointment of rival investigation committees, not for the purpose of purifying the State and punishing offenders, but to prove that the respective leaders are rascals who should be driven from office. (1800.)

The Primary Law was supposed to destroy the influence of the boss. Mr. Philip said that so far as he knew Wisconsin had never had any very influential boss until 1900. There had been men who did sway some things in politics; men follow leaders and always will. Mr. Keyes was supposed to be somewhat of a boss and Senator Quarles was sometimes referred to as a boss, but the State never had a complete all-around successful political boss until Mr. LaFollette. The proposition that the Primary Law will abolish the boss is wrong on the face of it; the more politics are complicated the greater is his opportunity; in other words, the greater is the opportunity for leadership. The Primary Law has complicated politics very much and now the State has not only a large boss but quite a number of bosslets that work under him.

Under this system the rich man has every opportunity over the poor man and always will have it; no matter how the law is amended, where a candidate has got to go to the people to get acquainted with all the people and to advertise himself to them, he cannot do it without money. Now and then there is an office holder who is pointed to as a poor man; and this is probably true, but he has rich friends; and poor men run for office under this system and obligate themselves to men who furnish the money. Few men give large sums of money purely out of patriotism; there is generally some string to it.

Any man with the same amount of money can obtain the same results obtained by Senator Stevenson in the last campaign for

United States senator, under this system. Senator LaFollette is not reputed to be a rich man. The junior senator, however, claims that he spent vast sums of money on him, that he was his financial backer, and demanded the office and assistance of Mr. LaFollette because of the large amounts of money which he had spent in his behalf.

It was represented that the people under this system could vote directly for the candidate of their choice. The public infer from that statement that any man whom they may wish to vote for can be placed upon the ticket; that is not the fact. In order to go on the ticket a petition must be circulated to be signed by a certain per cent of the voters. The candidate must first select men to obtain these signatures; in other words he must nominate himself to the office. The practice is to hire men and pay them so much apiece for the names. When the voter goes to the primary, instead of voting for the man of his choice his only right is to choose between those who are on the ticket. He might, of course, write in a name, but that would be a mere waste of time; so that the voter who thinks that under this system he has obtained the great privilege of nominating the men for all the offices in the State, who are his own particular choice, finds that the only choice he has is in discriminating between the men who have nominated themselves. (1807.)

Never was a greater farce put before the people than this idea that under this system the people are going to be able to vote for a man of their own choice. Every man upon the ticket may be unknown to the voter or may be objectionable, if he does know them. And in concluding his remarks upon this subject Mr. Philip said: "I would rather trust the honesty and the citizenship of a thousand men assembled in a convention to make a nomination for me than I would a petition that has been paid for at so much per name." (1808.)

He also referred to the fact that there were no longer any party clubs or organizations for the promotion of party interest and principles and that it would be impossible to organize such in the mixed condition of Wisconsin politics, and the reason for it is that men are nominated, place themselves on the ticket rather, to be nominated without any party, without any reference to party

affiliations or party organizations. They may call themselves Republicans or Democrats, that does not matter; the test is their party affiliation. (1808.)

The requirement that only those who have been nominated for office assemble for the purpose of making a party platform is also condemned, for the reason that every man participating is willing to declare for anything that will enable him to win. It is not a platform of party principles which a party may follow; it is a temporary rag upon which to win. They are not willing to make a platform there of principles upon which they would be willing to go down rather than to surrender the principle.

The Primary Law is also unfortunate in that it engenders so much bitterness. There is too much personal politics in it which always leads to bitter animosities between men; there were no such animosities up to the time of the "reform age" in 1900. The two parties faced each other and contended for different principles of government.

Mr. Philip attributed the multiplicity of laws passed by the State Legislature to the fact that there was no party responsibility for anything. The Session Laws of 1909 contain 2,335 pages, 611 pages more than the first of the three volumes of the combined work of the Legislature for ninety-eight years preceding. Everything is legislated apart from any party responsibility. The result is a great mass of worthless, useless legislation, which is merely a burden upon the people. (1813.)

The witness regarded the Primary Law as merely a step towards pure Democracy. To provide for the nomination of candidates by representatives in convention does not mean that the people cannot be trusted nor that they ought not to have the right to govern themselves. It simply means that they will get better results by appointing certain men to select their candidates for them than they can possibly do by trying to select from those who nominate themselves. Few men are well known to any large number of people and in their anxiety to obtain office they misrepresent themselves through advertisements and otherwise, and most voters do not get enough information concerning anybody to make a really intelligent choice.

The repeal of the law need not be expected until the men who

are responsible for it are out of politics. The fight which brought it upon the State was very bitter and they are not going to go back; they would regard it as political suicide to admit that after all they were mistaken. It took a long time to adopt it and it may take a long time to get rid of it.

If the State had annual instead of biennial primaries the results would be still worse.

The fact that each candidate must in the first instance nominate himself and then go out and advertise himself, prevents many who have distinguished themselves in private life for their integrity, business ability and public spirit, and who would make ideal public officers, from being candidates under this system. The result is that public office will continue to be the inheritance of a class of men who continually seek office.

Mr. Philip called the attention of the Committee to the character of the advertising, and during the recess the Committee visited the public library and examined files of city papers which were filled with sensational advertisements of candidates before the primary.

This system will work better in a small subdivision where the people may know the candidates than in a large one. The larger the population the more complicated must be the machinery.

Referring again to the use of money he said that the idea that the people would be so aroused as to prevent the occurrence again of the use of so much money in obtaining an office, was not in accord with human nature; that if any of the money was used for the purpose of debauching voters the man once debauched will be more easily debauched the second time.

The interest is usually centered upon the head of the ticket and the public generally takes but very little interest in the balance of it. He did not think the proposed "second choice" plan was feasible, as it would be confusing to the voters. Published articles upon the Primary Law by Mr. Philip were furnished by him to the Committee and appear in the record at pages 1829 to 1853, inclusive.

His conclusions, separately numbered under the title of "Tried and Found Wanting," appear at page 1839.

Dr. J. M. Biffel, a physician and surgeon of Milwaukee, who

has never held any political office, but has been interested in politics and as a member of the State and county Republican committee and treasurer and chairman of the city committee, thought that the Primary Election Law was based upon a proper theory that the people should nominate their candidates with as little machinery as possible and that there should be few, if any, middlemen between the people and their candidates; but when it comes to practical operation of the law there are inherent defects which appear, not only to the exponents of the law, but to its original enemies. These inherent defects the doctor mentioned quite at length along the same lines described by Mr. Philip. He emphasized considerably the power of the public press whose influence has been purchased by a political boss, or which is owned by some prominent political leader.

If there is to be a change from the representative system to the direct system he thought it should be gradual and not so radical as in Wisconsin.

Before a nomination is made for a public office, as a rule, there is no clear consensus of opinion or crystalization of thought of the people on one or two men for that office. In other words, the people do not know who their candidates are to be until the candidates select themselves.

Hon. Edward Scofield, former governor of the State of Wisconsin, was unable to appear before the Committee in person but communicated his views upon the Wisconsin primary in a letter addressed to the Committee under date of August 18, 1909, which appears at page 1932 of the record. His observations were of a general character and his conclusions substantially the same as those given by Mr. Philip, which have been referred to at length. He says: "I have no hesitancy in declaring that every objection raised to the primary election idea previous to its enactment into a law has been sustained by the practical test given it in this State in the several elections held under its provisions. Every disadvantage pointed out by its opponents, and many not anticipated, have been shown by its operation, and it is difficult to say wherein it has demonstrated any very great advantage over the old convention system."

As an instance of the inability on the part of the public to

know who the candidates were he cited the case where two years ago the richest, most important assembly district in the State of Wisconsin was represented in the lower house of the Legislature by a colored man of no special ability. After the election, when the newspapers began to comment upon the election of a colored man to represent this important district, there was an uproar which showed plainly that the majority of the voters of that district would not have voted for the candidate had they known that he was colored. Had he been a man of extraordinary ability the fact of his color might have made no difference. Instances of the election of totally unfit men might be indefinitely multiplied, and in every case the election was due to the voters' lack of knowledge of the candidate. (1937.)

Governor Scofield, referring to party allegiance, said (1940): "I am just old-fashioned enough to believe that the best safeguard of the public interests lies in two strongly organized, evenly balanced parties. I am a firm believer in the old doctrine of party allegiance, and I believe that the present breakdown of party lines is leading us into danger."

He attributed the disruption of the parties to the operations of the Primary Law.

"If," said he, "the Primary Law can be successfully operated at all, it is only in the small political unit where men know each other, but it has shown its weakness in even so small a political unit as an assembly district, but I believe that it has a sphere of usefulness in the town or ward election, and in the election of delegates to conventions it is far better than the old-fashioned caucus."

He referred to the General Primary Election Law in Milwaukee prior to the present law for the election of delegates and minor offices and it seemed to work well, and said that if this law had been applied to the whole State for the election of delegates to conventions, and if there had been a law compelling the holding of these conventions by all parties on the same day throughout the State, it would have cured nine-tenths of the ills complained of under the old system.

Mr. E. T. Melms, a member of the Socialist party and an alderman in the city of Milwaukee, and chairman of the State Com-

mittee of the Socialist Democratic party, spoke of the attitude of the Socialists toward the Primary Election Law, and said that it was complied with by the Socialist Democratic party only in so far as they were compelled to comply with it by law. They felt that the method of organization that they had maintained for a number of years prior was an improvement over the present law. They select their candidates by a process of referendum among their members, who are a due-paying organization, as they are firm believers in the "initiative" and "referendum," and these candidates were placed upon the primary ticket by authorized petition so that but few votes were necessary to nominate them. He denied, however, that the due-paying members of their organization participated in the primaries of the other parties, as is generally charged by the members of the other parties. The organization has become exceedingly strong in the city of Milwaukee, casting frequently more votes than the Republican party and nearly as many as the Democratic party in that city.

Mr. Melms said that he believed that every voter should be able to read and write sufficiently to cast his own vote without the assistance of the inspector, as is frequently done now. Under this system men are practically dragged to the polls, men who don't know how to vote and are voted like cattle. He would prohibit the expenditure of any money for conveyances for taking people to the polls.

Their method of selecting candidates within the lines of their own party and of placing the name of but one candidate for the office upon the primary ballot keeps the party loyal and absolutely prevents the bitterness so frequently aroused in primary contests.

Not all the witnesses, who appeared before the Committee in the city of Milwaukee, either voluntarily or upon invitation, took a pessimistic view of the Wisconsin Primary Law. Among the strong advocates and defenders of the law were:

Francis E. McGovern, a lawyer of ability, who was elected district attorney of Milwaukee County upon an independent ticket in 1906, after he had been defeated in the Republican primary. Mr. McGovern was also one of the four candidates for United States senator in 1908 and was defeated there. His evidence, which is found at pages 1655-1702 of the record, is a strong and

eloquent academic plea for the direct nominations system. He said: "I think I can speak impartially in this matter because every time I ran as a candidate under the old system I was elected, and every time I have sought nomination under the new system I have been defeated, but my belief in the wisdom and in the merits of the Primary Election Law is just as strong as it was when the law was proposed for enactment.

He believed that the Primary Election Law placed in the hands of the people directly the power of making nominations and by so doing practically abolishes this function of the political party. That it makes the public officials more directly responsible to the people and is a means towards the realization of the ultimate rule by the people in the sense in which the idea was entertained by those who founded our government.

He did not believe there was so much bitterness as the result of the primary as there was under the convention system. While a great deal of money was expended by individuals, he did not regard that as a feature of the Primary Law and thought that the expenditures were as large under the old system, but were not disclosed.

In his judgment, the law has a tendency to make the majority party stronger and the minority party weaker; it tends in a measure to disintegrate the minority party, but thought that the result of that would be more independent members of the minority party, who would go over to the majority party, especially if there is a contest going on of sufficient interest to attract them, and if it is a contest of principle, if it is a matter that involves public welfare then the rallying to the support of the right element in the dominant party might be a good thing from the standpoint of the State.

The experience of Wisconsin under the primary election law, he thought, had disclosed defects in their particular law, the most important of which was the participation of members of the minority party in the majority party's contest, for the purpose of nominating weak candidates or for the purpose of carrying out a political program that has been arranged before hand, but he thought that the so-called 20 per cent amendment before referred to would remedy that. Also the fact that the names appearing

at the head of the ticket had a decided advantage was remedied by the rotation system which has been adopted.

The "second choice" proposition is still a matter of speculation.

The fact that voters did not discriminate as disclosed by the advantage obtained by the candidate whose name happened to begin with "A" is not, said he, an impeachment of the principle of the law, but of the intelligence of the voters, and if the law could be in operation long enough, the voters would become more intelligent. That any logical objection to the Primary Law is equally an objection and criticism of our whole form and theory of government. It is a criticism of popular rule, and the answer is not to do away with the Primary Election Law and thus avoid the evils of popular rule, but to remedy the weaknesses in the electorate by giving them an opportunity to exercise this power, and thus in the course of time to develop a sufficiently high stage of citizenship so that no man will vote for another because his name begins with A or Z.

Formerly in the State of Wisconsin, naturalization was not required to entitle a person to vote, but any person who had lived a year in the State and ten days in the election precinct, might vote for any and every office. Many could not speak the English language at all. This has now been remedied so that a man must be a fully naturalized citizen in order to vote, but there were still many who lacked sufficient education to vote intelligently.

The people did not take so much interest in the primary as had been anticipated, which Mr. McGovern attributes to the fact that under the old system the people generally were not accustomed, in the selection of delegates at the caucus, to attend; but after they became aware of their power in the primary there would be a larger participation.

He did not think that the organization built up by candidates before the primary and continued by the successful candidate after the primary could be in any sense called a political "machine." Each candidate gathers about him his political friends and supporters and has a list of names to whom he sends political material and a number of assistants and friends upon whom

he calls for assistance; that there is a vast difference between an organization like that and a political machine.

Mr. Henry L. Cochems, a lawyer of the Republican faith, and resident of the city of Milwaukee, who has on several occasions been an unsuccessful candidate for Congress, was before the Committee. Mr. Cochems will be remembered as the gentleman, who, at the last National Republican convention, presented the name of Senator LaFollette for President.

He followed substantially the same line of argument presented by Mr. McGovern. He gave it as his impression that the Primary Law has been a vast improvement on the conditions that existed under the old conventions system, and thought that the error of a great deal of the testimony and argument made against the Primary Law arises from the fact that in contesting the law, they criticize the machinery of the primary for a great many things that are inherent in the electorate, in the body of the voters themselves.

Necessarily more money was spent by candidates under this system because they had to come in contact with the people and not with the few who might control nominations, but the money spent in billing the county or the State, in advertising in newspapers and seeking to bring the attention of the voters to the virtues or the professed virtues of the candidate was an educational feature.

Mr. Cochems thought that the primary election system could be improved by the addition of a second choice. He commended Mr. McGovern, who had repudiated the primary in his candidacy for district attorney of Milwaukee county and had become an independent candidate, because he did not believe the primary represented the real sentiment of the Republican party.

There are some things that occur in the primary which are unfortunate, but these things might challenge the wisdom of our systems of election. "The primary election system," said he, "puts a premium upon the eleventh hour slanderer and assassin of character. I was a candidate myself for Congress here and at the eleventh hour, when I thought I had my fight won under this primary system, I found that the gentlemen opposing me had had in cold storage for three weeks a lot of untruthful

and perverted statements, which they saved until the Saturday preceding the Tuesday's primaries; so that it affords opportunity for men so disposed to fill themselves with that character of evidence that brings its penalties in due season" (1726). What he called the "picturesque side of politics" is, in a measure, lost under the primary system — the opportunity which young men have to exploit themselves and express their views in a convention.

He did not believe that the geographical location of candidates or their selection for race or business reasons had any particular place in the selection of the best men for the respective offices.

Hon. H. L. Eckern, of Whitehall, Wisconsin, now deputy insurance commissioner, and formerly speaker of the assembly, also presented his views of the Wisconsin primary, following substantially the same line of thought presented by Mr. McGovern and Mr. Cochems. Mr. Eckern also, it will be remembered, was defeated for renomination to the assembly in his own district as a candidate upon the Republican primary ticket, and after his defeat at the primary became an independent candidate by petition, and Senator LaFollette came into his district to assist him in his candidacy. He was defeated, however, and was then appointed to the position he now holds.

One of the principal advantages of the primary system was that the people have two chances to select good men for office and eliminate those who are unworthy.

While a large amount of money is expended in the operation of the Primary Law, more than Mr. Eckern believed to be desirable or necessary, still he claimed that there were cases where large sums of money had been expended under the old system.

The expense is transferred very largely to the contest in the primary and after the primary is settled there is not very much expense at the election. If the parties were nearly equally balanced it might be necessary to expend more money during the election. He thought there should be some limit to expenditures and to the methods and objects of the expenditures.

If, however, the expenditure is limited for the dissemination of information one of the purposes of the Direct Nomination Law is defeated under present conditions. It is absolutely necessary that candidates and parties should be permitted to expend money

for the purpose of putting out educational matter, either in the form of literature or speeches. Mr. Eckern thought that a serious defect in the law was the failure always to secure a majority nomination; that under the old convention system this was obtained; that under the present method a compact minority by concentrating its vote on one candidate nominates its candidate as against the majority which scatters its vote among a number, and that for the purpose of meeting this defect it will be necessary at some time to adopt a second choice or something of that nature. He said that they would like to have adopted the "First and Second Choice" Law, and thought if it had been enacted in the first place the voters would easily have become used to it and it might have obviated a great many other difficulties.

In the Legislature since the law came into effect there are still minority and majority leaders, but the recent Legislatures have not divided sharply on party lines. Comparatively few measures have been stamped strictly "party measures;" one reason for that in Wisconsin has been that both parties are split into two factions and the line between the two factions in each party is quite as distinct as perhaps between the two parties on state questions."

While in State and national politics the Republican party wins as a rule, the majority of the municipalities and larger cities are under Democratic rule.

Mr. Eckern thought that the system of electing delegates at primaries is far superior to the old caucus system, but believed that the complete primary is superior to both.

The leaders of the party frequently get together before the primary and endeavor to agree upon particular candidates and specially the factional leaders, in order to reduce the number of candidates so as to insure the nomination of their own men.

OBSERVATIONS ON THE WISCONSIN SYSTEM.

1. That is the only State where special investigation was made which has adopted the so-called "open primary." While advocates and opponents alike condemn the practice of members of one party voting the primary ticket of another, nevertheless there seems to be a strong sentiment against the abolition of the open primary, and adopting any form of enrollment which will

tend to prevent this practice. Some claim that to deprive a voter of the right to participate in any primary he pleases or to change his politics as frequently as he may desire is an interference with his constitutional rights, and that it will be utterly destructive of all independent action or participation in any of the primaries, and one of the principal objects of direct nominations is to prevent the dictation of nominations by political organizations or political bosses.

2. In no state which we have studied are factional differences so marked and party organizations and discipline so broken up. While this seems to be admitted by all, there is a difference of opinion as to whether such conditions existed to any extent before the enactment of the Primary Election Law and whether it has increased since its operation.

We are inclined to believe that the preponderance of evidence indicates that the majority party factional divisions have become more pronounced through the operation of the primary law.

3. The first experiment of Wisconsin in the nomination of United States senator at the primary is exceedingly unfortunate, to put it mildly. It is a matter of public scandal, and the evidence taken upon the investigation by the Legislature subsequent to the primary may be read with profit and furnish a warning to other States who may be tempted to adopt this method of ascertaining the sentiment of the people in the selection of a United States senator. That the enormous amount of money expended by the successful candidate, who received but thirty-one per cent of the Republican vote cast, was instrumental in subverting what might otherwise have been a popular choice, cannot be denied.

4. We commend biennial elections and longer terms for member of assembly, senators and the governor, if primary elections are to be had, so that political excitement may not interfere with the orderly conduct of business to such an extent as would be the case under a system of this kind where annual elections are held.

5. The rotating system, where so many offices are to be filled and where there are frequently so many candidates for a single office, is essential to a fair distribution of the vote cast by the many, who either are unable to discriminate intelligently or do

not take the trouble to do so, except for the principal office at the head of the ticket.

6. The large percentage of the majority party primary votes cast does not indicate a large participation on the part of such party voters, but a comparison of the returns indicates that quite a large proportion of those voters are members of the minority parties, who either because of urgent solicitation vote for candidates upon the majority primary ticket or by concerted action do so for the purpose of nominating a weak candidate, whom they seek to defeat at the election.

7. The amendment to the law made by the last Legislature under which the party candidates for any office must together cast at least 20 per cent. of the party vote, or be excluded from the party column upon the election ballot, may have a tendency to prevent indiscriminate cross voting between the parties, but in cases where there are no contests, it is liable to operate to the injury of a candidate, who must, under such circumstances, make an active canvass to get out his party vote or be deprived of the party privilege upon the election. We do not regard the amendment as of any value and believe that its results will be more harmful than otherwise.

8. We cannot concur in the view that is expressed by some of the witnesses that the largely increased use of money in primary campaigns has any educational advantage. From an examination of the character of the advertising, self-laudatory statements of the candidates and extravagant claims made by them through the public press and by other printed matter, we believe that such methods are calculated to confuse and deceive voters, who have no means of determining the truthfulness of such statements. The use of so much money in a primary campaign cannot do otherwise than corrupt and debauch the electorate and the demands of the venal and corrupted voter will constantly increase under any such system until a canvass by a man of moderate means, who might even be willing to expend the money if he had it, is practically prohibited.

9. The methods practiced by candidates of hiring solocitors to obtain signatures to their petitions results in no expression of the sentiment favorable to the particular candidate, and the peti-

tions thus obtained are utterly valueless as indicating any public choice or crystallization of the better thought of the community in favor of a particular candidate. The voter at the primary thus cannot vote for the man of his choice, but is simply permitted to discriminate between the several persons who have nominated themselves.

ILLINOIS.

THE LAW.

The State of Illinois has been peculiarly unfortunate in the enactment of four primary laws, which have subsequently been declared unconstitutional by the highest State court.

At the time of our hearing in Chicago, August 23 and 24, the State had no Primary Election Law, the last act having shortly before been held to contain provisions contrary to the State constitution, and the entire act became void and of no effect by this decision. This was the law of 1908.

Under this law, however, primary elections were held in 1908. It was State-wide, mandatory, conducted under the General Election Law with a fixed time and place for all parties jointly.

It applied to all offices except presidential electors, trustees of the State University, township and school electors; there was also an advisory vote on the United States Senator.

The names of the nominees were placed upon the ballot by petitions varying from ten to one thousand, and a candidate for a State office must have not less than one thousand nor more than two thousand names. Separate ballots of different color were provided for each party and the names of the candidates were arranged under the designated offices in the order of filing, or of the record of filing of the nomination papers. The nominations were made by a plurality vote and there was no provision for a minimum vote.

Party officers, including County Central Committees are chosen by the direct vote, and delegates to State convention are in turn chosen by the County Central Committee. The State convention adopts the platform of the party. Precinct and State committeemen are also elected at the primary by direct vote. Any party which casts two per cent. of the vote is subject to the law.

There is no enrollment provision, but voters at the primary must declare their party allegiance if required.

OPERATION AND RESULTS OF THE PRIMARY LAW IN ILLINOIS.

The Committee is under obligations to Professor Charles E. Merriam, of Chicago University, for great assistance in obtaining data and general information as to the working of the Primary Law in Illinois. Professor Merriam also assisted largely in obtaining the witnesses who were good enough to appear before the Committee. He will be recalled as the author of the book known as "Primary Elections." He is a man thirty-five years of age, who has been for nine years in the city of Chicago, was formerly a resident of the State of Iowa, and at one time a resident of the State of New York. He is teacher of political science in the University of Chicago. He became interested in politics in seeking the office of alderman of the city under the direct primary, and is now the alderman from the Seventh ward. Professor Merriam, while admitting many of the unfortunate developments of a direct nomination law is nevertheless an enthusiastic advocate of the law, both for local and municipal purposes and as a State-wide proposition.

Cook county had a legalized caucus system for a number of years and the practice in that was for the leaders of the organization to make a slate, which was submitted to and ratified by the convention. This practice is still continued under the Primary Law, and in most cases the slate nominations have been ratified by the party voters, though there have been some exceptions and some close contests. The remarks of Professor Merriam were largely along academic lines for the reason that Illinois has had but one real trial of a State-wide primary and results can hardly be expected from so short a trial.

He thought that it had the effect, which can also be obtained under the old system, of putting the party organization in the hands of the voters. He referred to the practice in New York in some cities like Rochester where the committeemen are elected at the primary, and commended it.

In congested districts, it is difficult for the mass of voters to discriminate except as to the principal offices upon the ticket. The ticket is very long, similar to the ticket in New York. Only a short time ago there were sixty-seven different offices to be filled and four or five candidates for each office, that is over 300 names

on the ballot. These were not presidential electors; they were candidates for various offices from State down to local judges. This was not a primary ticket, but an election ticket. The State primary is not held at the time of the city primary. In the city primary the ballot contains about forty offices and from one to six candidates for each of these offices. One primary ballot furnished the Committee contained 192 names.

In regard to the method of campaigning and advertising, Professor Merriam thought that it was after all educative, although there is friction, falsehood and suppression of the truth, but out of it all you ought to get somewhere near the truth. He would not commend, of course, the use of misleading and exaggerated statements in advertising candidates; thought that a limitation of the expenses and the publication of the personal notices of the candidate somewhat after the Oregon method might be desirable. There is no corrupt practices act in Illinois and no limitations upon methods or objects of campaign expenditures.

In regard to city politics, the professor suggested that it should be optional with the locality as to whether they should hold direct primaries or have nominations by petition, as the whole matter of city parties is in obedience; nobody knows what will be adopted. He would like to see the experiment of direct primaries tried out in Chicago, but would not apply to the judicial or school officers whom he would rather see nominated by petition.

He thought it was a bad feature of the Illinois law that permitted the participation of members of one party in making the nominations of another, and if it could be prevented, it ought to be done. He favored a small number of signatures upon nomination petitions, so as not to make it too difficult for independent candidates to obtain the necessary number in order to get upon the ticket.

In regard to the order of printing names upon the primary ticket, Professor Merriam thought that their law, which requires them to be put on in the order of filing was the worst possible method that could be devised, that the scientific method would be to put them on in alphabetical order and then rotate them as required in many States. In this connection a brief reference to the evidence of other witnesses will be profitable. The practice

in Chicago was for the Executive Committees of the Republican and Democratic organizations to make up their "slate" of nominations, procure the petitions to be executed, and place them all in the hands of a representative of each party. These men and others who were independent candidates for nominations took positions in the line at the place of filing from twelve hours to three days before the hour for receiving such petitions. With one to two exceptions the organization representatives succeeded in getting the first positions and in getting their candidates first on the ticket. In the instances in which an independent candidate succeeded, such independents who obtained first place upon the ticket, were nominated. Without exception, every witness, whether friend or foe of the direct nomination system in Chicago, maintained that the first place for minor offices, where there were a number of candidates, was almost certain to bring success to the lucky holder.

When asked for his views concerning that part of the proposed Hinman-Green bill, which provides for the selection by a party committee elected at the primary, of candidates, who should be given preferential positions upon the primary ticket, Professor Merriam expressed himself as strongly opposed to this idea. He said it would give the party organization a very decided advantage and a big long handicap in the race; that it would materially assist in maintaining the people who are in power, and might make it very difficult for anybody to overthrow them.

Mr. G. Fred Rush, a lawyer and Republican in politics, presented to the Committee, an address generally commending the Direct Primary Law of Illinois upon principle; he claimed it was "good for the party and for the people and a clearing house for candidates."

It is quite impossible for the mass of voters to select intelligently candidates for minor offices, in large territories and in theory the convention chooses better candidates. The candidates at the head of the ticket always receive many more votes than those further down the line.

Referring to the decision of the Supreme Court, which declared the Illinois law unconstitutional, it seems that the court took the position that in reality the primary is an "election" and that there was no proper provision made for minority representation, which

is required under their constitution. That part of the decision, which is of interest to us has reference to the registration requirement, the court holding in substance, that it was unfair and improper to require a voter to register so long before the primary, and that it adds another qualification to entitle one to become a voter, which is not required by the Constitution.

Mr. Rush maintained that notwithstanding the fact that the organization selects ninety per cent. or more of the party candidates, it made its selection more carefully than under the convention system.

Mr. George C. Sikes, not being able to be present in person, sent a written communication to the Committee, which is printed in the record.

Mr. Sikes took the position that if the State is bound to recognize parties, he would prefer a direct system of nominations rather than a representative system. He went, however, to the other extreme and took the position, which is held by a considerable number of intelligent people, that the State in this country has taken altogether too much control of political parties and has gone altogether too far in according them recognition. This he called "objectionable paternalism." He believed that "the State should merely safeguard the elections and should make provisions for a simple form of ballot and undertake to exercise no control whatever over the organizations which groups of people may form for the purpose of giving effect to their political views." The party has been given a legal status and a position of advantage, and upon this theory "The State must logically go further and assume still larger jurisdiction over party organizations, or retrace its steps completely."

Mr. Sikes preferred that the State should retrace the steps and cease to give any legal recognition whatever to party organizations.

Mr. George A. Cole, a commercial printer and at one time president of the Legislative Voters' League, expressed himself as generally in favor of a direct primary law. He made the charge that the Legislature knew that the last act passed by them was unconstitutional and passed the law for the purpose of keeping the control of the Legislature instead of passing a proper bill.

Illinois has no legislative districts, but has fifty-one senatorial districts, from which one senator and three members of Assembly are elected. There is a method of cumulative voting by which a person can cast three votes for one candidate for the Assembly or one and a half votes for each of two candidates or one vote for the three candidates. The primary law neglected to make proper provision for this condition. Outside of this defect, Mr. Cole thought the law was a good law and worked well.

He thought that a voter should be permitted to decide at the primary which party he wants to vote with if he only votes one; that there should be no restriction and yet he said that he believed in party nominations, but how it could be worked out in fact so as to permit the voter to exercise his choice at the time of the primary the witness was unable to say.

He maintained that a man has a right to change his party from day to day and has a right to change his mind as frequently as he sees fit; that if there was a law prohibiting voters from choosing any ticket indiscriminately at the time of the primary, they would violate it, that they did it illegally wherever the law attempted to prevent it, and under such circumstances he would "let the daylight in" and let every voter decide what ticket he wants to vote at the time of the primary, substantially as is done in Wisconsin.

Mr. Edward F. Dunne, mayor of Chicago from 1905 to 1907, commended the law and regretted the fact that it had been declared unconstitutional. He also advocated the passage of a new law, which would avoid the mistakes of the former law. The main advantage of the law, in the judgment of Mayor Dunne, was that it forced political parties to look more carefully into the personnel of candidates that they select for public office.

While he thought that prior to the passage of the law, it was the aim of party organizations to select men of character, but men who would be docile to party organizations, the mayor stated that he had heard objections made by men who had sought office under its provisions to the effect that it is expensive; that it entails upon the candidates for office, who have not the patronage of the organization an expense that was unknown to the old law. Mr. Dunne thought that this was true, because candidates were com-

pelled to exploit their advantages to some extent, but that the money now expended was in the open and not in secret, as under the convention system. More interest, in the opinion of the mayor, was taken by the electorate under the Direct Primary Law than under the former practice, but the platform and declaration of principles should be left to conventions. It is also true that the Direct Primary Law gave greater power to the press.

Mr. Dunne also recognized the advantage of position at the head of the ticket and said that he could not understand why it was so, but it was the fact, that if a man gets his name at the head of a primary ballot, in nine cases out of ten he is successful; if he is down near the end of the ticket, no matter what his qualifications are, generally he is unfortunate. He also advocated the rotating system as being as fair as any method by which this difficulty could be overcome, "but," said he, "I hold that the voter ought to select men on account of their personality rather than on account of the place they hold on the ticket." (2187.)

The mayor recalled one instance in which the Republican organization slate was broken, but in nineteen cases out of twenty the organization had succeeded in putting their men in nomination, so that the result, so far as the candidates are concerned, was not materially different from what they probably would have been under the old system.

Upon the subject of party enrollment, the mayor said that there were a good many men in the community like the butcher, grocer or haberdasher, who were dealing with their neighbors, who would be willing to go to the primary and vote a secret ballot, but did not wish to declare their party affiliations in the open; such men, however, ought not to control party nominations.

To avoid the evils of a small plurality nomination, the mayor was inclined to favor the "second choice" propositions.

It will be remembered that Mr. Dunne was elected mayor of Chicago as a Democrat upon the platform advocating municipal ownership of street railroads. To the committee, he expressed his strong believe in the initiative, referendum and recall.

Mr. John P. McGoorty, a lawyer of prominence and at one

time a Democratic member of the State Legislature, referring to the primary laws enacted in Illinois, characterized the law of 1905 and the law of 1906 as belonging to the "double-barreled system," that is, retaining a delegate and convention plan, both of which were declared unconstitutional by the Supreme Court.

The law of 1908 was the first Direct Primary Law in Illinois, but it was not entirely an innovation in the State, as the Crawford county system of Pennsylvania had been working as a sort of voluntary primary system in a number of the rural counties in Illinois.

Under ideal conditions, the witness expressed the belief that the convention plan of nominating is the ideal one for reasons that are obvious, but that the Direct Primary Law came as a protest against the influences which have controlled nominations through delegate conventions. It was his observation that while the people generally were disappointed in some of the workings of the primary law, yet on the whole they regarded it as a distinct advance over the old system.

The most general dissatisfaction arose from the fact that the voter had to declare his party affiliations. Mr. McGoorty stated that he had concluded from his examination of the operation of various systems in the different States, that the Wisconsin plan was preferable. There were not only a great many business men, but many employees in manufacturing centers who were unwilling to enroll for fear it might injure their business, or their standing with their employers.

Plurality nominations are not ideal and if the plan proposed by Senator LaFollette of Wisconsin, the so-called Marion plan, the process of elimination can be worked out so that in the last analysis a majority of the electors have succeeded in nominating a certain candidate, the witness believed that the last and greatest objection to the primary would be removed.

The direct primary works more satisfactorily in the smaller political divisions than in large centers of population like Chicago, with various foreign populations, many of whom do not read the English papers and do not or cannot closely follow public affairs; it is also true that the benefit of the direct primary is not as apparent in more sparsely settled communities.

The organization which controls the convention has generally succeeded, but the primary is a check upon it.

He advised that the primary day should also be the first day of registration, which would induce a larger number of voters to attend.

Some witnesses were examined by the committee, who disagreed radically with the views expressed by the witnesses whose names have been mentioned, so far as their advocacy of a direct nominations law for the State of Illinois is concerned. These witnesses were inclined to view the situation in the State and in the city of Chicago as it is actually found rather than to imagine ideal conditions, in which the voters were of substantially equal intelligence, equally patriotic, and were generally possessed of a correct knowledge of character and ability of the men who might offer themselves as candidates for the public service.

Mr. W. S. Struckmann, assistant county attorney, asserted that in the direct primary the voters exercise their choice as to candidates only in a very limited sense, that is, as between the men who have nominated themselves, who may be either incapable or unworthy, or both. He contended, however, for a legalized primary, for the election of delegates to conventions, who would be held to strict accountability for their conduct at such conventions.

The party organizations had in nearly every instance, under their direct primary, succeeded in carrying through the "slate" previously made up by the executive committee of each party.

During the last pre-primary campaign no attention was paid to any part of the ticket except to the governor and United States senator, and the contest between the two candidates for governor, Mr. Yates and Mr. Deneen, was very bitter and this resulted in widening the factional breach in the Republican party.

Mr. Deneen carried the primary by about 21,000 votes, but at the election which followed the Taft electors carried the State by about 195,000 votes, while Mr. Deneen was elected governor by only 23,000 votes, showing that approximately 172,000 Republicans did not vote for the Republican candidate for governor; if it had not been presidential year a Democratic governor would undoubtedly have been elected.

Mr. Frank D. Ayer, a lawyer, Republican in politics, and former city attorney, and now the attorney for the board of election commissioners of the city, characterized the direct primary as "a game of chance," and said that in large or congested communities you might as well throw a handful of pennies to a mob in the street and expect the best man to get the most as to expect them, if you should throw them a bundle of candidates, to select the best man; there is no greater likelihood that the mass of voters who are given a primary ballot, such as the Illinois Primary Law legalized, will select worthy and fit candidates for other offices than the head of the ticket. While the voters ordinarily will express an intelligent choice as between the rival candidates for a great office like governor, it is impossible for them to do so, and in fact they do not do so, as to the balance of the ticket. He also contended that the mass of voters did not take the interest in the primary which was expected, that less than 50 per cent. attended; there were too many elections and the expense to the public was too great.

While the special object of the law was to prevent the organization from dictating the candidates, it had proven itself 99 per cent. a failure in that respect, as all organization candidates had been nominated except in one or two instances where the organization had failed to get its candidates at the head of the ticket.

Hon. Edward D. Shurtleff of Marion, Illinois, who is practicing law in the city of Chicago, who is the present speaker of the Illinois House of Representatives and has held the same position for the last three biennial sessions, appeared before the committee. He stated that the direct primary question had been agitated for six years of his experience and several bills had been passed. He has been opposed to the direct primary principle pure and simple, but at the special session of 1906 advocated a convention bill, which provided also that there should be an official ballot upon which the voters voted directly for their choice of candidates for the purpose of instructing the delegates; it proved a failure, however, and was held unconstitutional by the Supreme Court; it did not give satisfaction at all.

Mr. Shurtleff said that he was nominated under the law of 1908 and that if he looked at the matter from a personal stand-

point purely and selfishly, it would be satisfactory to him. The nominations that have been made under that law in the State of Illinois, so far as he knew, have been satisfactory, but the working of the law from a party standpoint has been unsatisfactory, not on account of the results in the primary, but as a matter of principle. It leads to the expenditure of large sums of money; it puts upon the voter the duty of making a selection as between a large number of candidates, whom 95 per cent. of the voters do not know personally, and have no means of learning their character or ability, below the candidates for governor and United States senator.

Voters generally regard the law as an election law and not a primary law, especially in those counties where one party or the other is largely dominant. Under these circumstances they object to being asked to state their politics publicly. The operation of the law in a city like Chicago with fifty to one hundred offices to be filled cannot possibly result in any intelligent choice of candidates. The voter is personally besieged by the candidates running for all of these offices and he is pulled and hauled in many instances where he knows none of them, has not any interest in any of them and could not by any possibility become well enough acquainted with any large per cent of them so as to form any judgment as to whether he should prefer one or the other; voters are simply bewildered by numerous personalities and publications and methods that are used to secure the support of the individual voter.

The candidates who seek nominations upon party tickets do not advocate the principles of their party, but their individual tenets or views, which may be directly opposed by others, who are seeking the nomination upon the same ticket. In fact, it makes these men, who get the plurality, the party itself. He is not bound by any set of principles that may be passed at a convention. He cannot establish a party principle by a direct vote unless we take up the referendum ad infinitum. The only way to determine party principles is by the party getting together en masse or by representation in delegate conventions and by argument and counsel and consideration, a majority agreeing on what the party should stand for. That makes the party, and

the men that establish, enunciate and advocate these principles, which a majority of them have determined, constitute in the judgment of Mr. Shurtleff a political party. To have the law step in and allow some one man, who can control 15 per cent. or 20 per cent. of that party by a club, newspaper cajolery, the use of money, the use of patronage or in any other way get more votes as leader than some other man, to become the party itself, is destructive of party organization. That will be the result of a direct primary law if followed out during three or four State primaries.

The strongest advocates of the law in the city are newspapers that recognize no party whatever and the independent voters. In 1906 the strongest argument made on the floor of the house, or while the Assembly was in committee of the whole, for the law was made by one of the most prominent clergymen in the city of Chicago. Theoretically he was right. He said they wanted a law by which he could go into a primary and vote for John Jones, a Republican, for sheriff, and John Doe, a Democrat, for county clerk, and Richard Roe, a Prohibitionist, for county treasurer. This was the Rev. Dr. Jenkin Lloyd Jones. Speaker Shurtleff said that if the plurality primary law stands, he thought that this should be the law, because it is an election law and nothing more nor less, and this would do away with the second election and be a finality.

It is claimed that the primary law is an office holder's law, and this is true to quite an extent, for the man, who has been before the public and has conducted himself reasonably well, has a large advantage over the unknown man.

Referring again to the interest of the voters at the primary and their lack of discrimination, Mr. Shurtleff said that the practice generally was for the leaders in particular districts to take sample ballots and mark the candidates from the top of the ticket to the bottom according as the party leader wanted the precinct or district carried; very large numbers of the voters, estimated by Mr. Shurtleff at about eighty per cent., went to one leader or the other, and had their ballots thus marked, and the voters took them to the polls and marked the tickets voted by them accordingly. In this way it has been notorious that a very few leaders, fewer than those

who make up political caucuses or political conventions, get together and determine who shall be the organization candidates and absolutely fix the slates from top to bottom.

The Independents advocate the law because they think that practices of this kind will offend the voters and that the result will ultimately be to break down party organization.

In rural districts the tendency is for a much smaller number of voters to attend the primaries than in the cities. The speaker lives in a rural district and speaks from experience. Mr. Shurtleff's observation was that the law worked better in a small community where the voters knew each other and could know the candidates for minor offices better than in a larger or more congested district. He also expressed the belief that there were not as many voters now that favored the law since the one trial they had had of it as they did when they looked at theoretically; from what he had heard voters say, they commenced condemning the law when they commenced to use it and the number of those condemning it is increasing very rapidly.

He based his statement more upon what he had been told by other members of the Legislature, who communicated to him the sentiment of their own localities, some of whom had been supporters of the law, but who said that they would oppose it at the next session if advocated. He believed that these men were absolutely honest in their statements, and that when they said they would not vote for another law of this kind, they did it because they felt that their constituencies were opposed to it.

The Committee was very fortunate in obtaining the attendance of Hon. Lewis Rinaker, Judge of the County Court of Cook county, who had occupied that position two and a half years.

Judge Rinaker was a careful observer of the working of the four Illinois primary laws in the county, city and judicial districts, all of which have been declared unconstitutional.

The county judge is required to appoint three election commissioners, who compose what is known as the Primary Election Commission of the city of Chicago. They have the control, management and conduct of all the elections within the limits of the city of Chicago and the town of Cicero, as it is known.

From the records of the office of the Election Commissioners,

Judge Rinaker produced data showing the cost of the city of working the several primaries.

In 1904, each political party held a separate primary on different days and the total cost for the

March primaries was.....	\$24,465 84
The May primaries for both parties cost.....	24,465 84
At that time there was a total of 1256 precincts.	
The cost of the Primary Law for delegate convention.	48,139 69
The primary held in 1905 in a total of 1259 districts cost.	21,520 87
The primary held in July of 1906 cost.....	48,577 05
The primary election held August 8, 1908, under the Direct Primary Law cost.....	59,718 20

The revised registration of March 19, 1904, was...	360,429
The primary election vote on May 6, 1904, was..	173,735

This was divided as follows:

Republican vote.	100,040
Democratic vote.	73,695

At the election of November, which followed the total vote cast was.....	371,513
showing that the total primary vote was about forty-eight per cent. of the total registration, and about forty-six per cent. of the vote cast at the election.	

In 1906, the delegate primary was still in effect.

The revised registration, March 17, 1906, was.	375,251
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The primaries were held on the same day at the same time and place under the control of judges and clerks of election. At the August primary

the Republican vote cast was.....	74,030
The Democratic vote was.....	51,786
Socialist vote.	2,939

Making a total of.....	128,755
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At the November election following the total vote cast was. 301,127
 showing that the primary vote was thirty-four per cent. of the total registration of that year and about forty-two per cent. of the vote cast in November.

The revised registration, October 17, 1908, was. . . 411,220

Total primary vote cast by all parties August, 1908. 217,034

At the election in November, which followed, the total vote cast was. 387,337

showing that the primary vote in 1908 was about fifty-two per cent. of the total registration and about fifty-six per cent. of the total vote cast in November.

This large percentage is due to the fierce gubernatorial fight and the contest for United States Senator.

A primary was held for the nomination of judicial officers April 13, 1909. The revised registration of March 20, 1909, was. 406,928

The primary vote cast was. 75,962

The vote cast at the election June 7, 1909, was. . . 173,302

showing that in 1909 the primary vote was about eighteen per cent. of the total registration and about forty-three per cent. of the vote cast at the election. This, of course, refers entirely to the city of Chicago and the town of Cicero.

At the judicial primary there were fourteen judges to be nominated and upon the Republican ticket there were twenty-four candidates, the first fourteen being the organization candidates, were nominated, the fourteenth man receiving 25,862 votes and the next man below receiving 7,245 votes.

For circuit judges, the first man Carpenter, got the highest vote. Judge Rinaker produced a Republican primary ticket used in the last primary upon which were the names of 160 candidates for office, and a Democratic primary ballot for the same primary election, upon which there were 187 names.

The judge said that in Chicago there were in the neighborhood of 450,000 men above the age of twenty-one years, and that in his opinion, no man could know very much about other men, when you got beyond 1500 or 2000 at the outside. In a small village or small community, it would be different, but with such tickets submitted to the average voter, as the ones above referred to, it would be physically impossible for any voter to exercise any reasonable degree of intelligent selection or discrimination.

In the April, 1909, primary, there was to be selected candidates of the various parties for one Judge of the Superior Court and fourteen Judges of the Supreme Court. It was stripped from politics. There was nothing to confuse the voter seemingly and it was separated from all other elections, and yet only about eighteen per cent. of the registered vote, or one man out of five, exercised his right; this may be explained by the fact that the voters do not know or do not care, and there is no method devised that will give him the information to enable him to make an intelligent selection.

An active campaign was made by these candidates for judicial honors. Party organizations had their caucuses and there was a very heavy expenditure of money. The conduct of a primary ordinarily requires the expenditure on the part of a candidate of a large sum of money. Judge Rinaker spoke of a common practice of candidates having their lithographs put up and one candidate in 1906 informed him that it cost \$1.10 to have each portrait put up and when 1500 or 1800 miles of streets are covered, the expense is enormous.

In referring to the gubernatorial contest between Mr. Deneen and Mr. Yates, Judge Rinaker stated that there was an equally hot fight in 1904 between the same man and Mr. Hoffman under the convention law. Governor Deneen was nominated; at the election which followed, the Republican candidate carried the State by about 300,000 votes and Governor Deneen carried it by 2000 more votes than the President, while in 1908 after the factional fight in the primaries, he received 172,000 less votes than the presidential candidate.

One conclusion from this is that the bitterness aroused by the convention fight is not carried over into the election to the extent

that it is where the fight is made in a primary with direct nominations, although Judge Rinaker thought that some of it might be accounted for by the fact that large numbers of Democrats participated in the primary, who did not vote for the Republican candidate for Governor at the election.

As to whether the continuance of a State-wide direct nomination law would ultimately disintegrate parties, the Judge stated that he knew nothing about this personally, but called attention to an editorial in the *Portland Oregonian* of December, 1907, in which that paper declared that there would be no longer a Republican party because there was no Republican party in the State of Oregon since the passage of their Direct Primary Law.

So far as the selection of candidates is concerned, Judge Rinaker gave it as his opinion that the convention will procure a better class of candidates than a direct primary, not because the voter cannot be trusted, but because he does not know the candidates and has no way to find out.

Judge Rinaker was eminently fair in his discussion of the entire subject and his opportunities for observation of the actual working of the direct primary law of Illinois, particularly in a city of metropolitan size, could hardly be equalled, because the supervision of all these primaries came directly within the jurisdiction of his court.

OBSERVATIONS ON THE ILLINOIS SYSTEM.

The Committee did not have opportunity to make a careful examination of the results of the Illinois Primary Election Law of 1908 in rural districts, except as it could obtain information from the witnesses present, who lived in rural counties.

That part of the decision of the Supreme Court of Illinois which treated the Primary Law practically as an Election Law and held in substance that the registration provisions, which did not permit the voter to exercise his privileges at the primary, unless he had made a party declaration, a long time before the primary, is contrary to the constitutional rights of the individual, is worthy of consideration and careful study. While all substantially agree that if party nominations are to be made by members of political parties, a provision of the law, which compels a man, in order to

exercise this privilege to enroll himself as a member of that party a year in advance of the primary should be carefully scrutinized.

The large number of candidates and the large number of offices to be filled in a municipal election in a city like Chicago impressed the Committee that it is unreasonable to suppose that any intelligent selection or discrimination between these candidates can be made by the average voter, or by any large percentage of the voters, intelligent or otherwise, and that the nomination of any particular candidate, who does not happen to have a preferential position upon the ticket is either a matter of chance or the result of persistent activity, solicitation, advertising, or the use of money by the candidate, unless for some reason he is well known to a considerable number of voters.

The operation of the law in Illinois is still in the experimental stage, notwithstanding they have had four different primary laws, the last one, the Law of 1908 being the only State-wide pure primary law with direct nominations for substantially all officers.

While it is undoubtedly true that there were factional differences in the dominant party before the enactment of the law of 1908, still be believe from the history of the operation of that primary, that the factional breaches have been widened and the very great difference between the gubernatorial and presidential votes at the election, which followed, is due to a considerable extent to this factional bitterness.

In the nomination of judges of the courts, a very small percentage of the voters participated in the primary and the organization ticket in every case received the nomination. Such a campaign as was conducted by the candidates for judges at this primary is, in our opinion, undignified and detracts much from the modest self-respect that should clothe every candidate for judicial honors.

Any direct nomination plan, which includes in it the nomination of judges for our Courts of Record will necessarily eliminate or minimize the influence of politics, which influence is making itself felt at the present time in our own State to such an extent that we believe the standard of efficiency among the judiciary must necessarily be raised.

It is unnecessary to repeat here the unsatisfactory results appear-

ing from the operation of the Illinois law, which are similar to those found in other States, such as the large participation by members of one party in the primary of another, the unfortunate element of chance because of the position upon the ticket, which is attempted to be obviated in other States by the rotating system, the power of the press, which derives much financial support through the operation of the primary elections, and the ability of the party machine to select candidates representing it, and in most cases secure their nomination.

Conditions in the city of Chicago are more nearly like the conditions that may be found in the city of New York than in any other place, and the Committee endeavored to ascertain actual results which would be beneficial in advising legislation that shall control the nominating machinery of our metropolis.

There was some evidence going to show that conditions under the old form of caucus and convention were not ideal; that many people felt they did not have sufficient part in the selection of candidates for office, and the new Primary Law was popular among certain people, who felt that there should be a greater opportunity for men desirous of getting into public places, who might not be identified with any particular political organization.

Apparently the law has failed to accomplish the last result and time and experience with such a law can only determine whether after many trials political conditions can be improved under it.

INDIANA.

THE LAW.

The existing Primary Law of Indiana was approved March 12, 1907.

Several counties in the State, including Marion county, in which is the city of Indianapolis, have had for a number of years some form of direct nominations, and for some years in Indianapolis the Republican party made its nominations by this method, while the Democratic party used the convention system.

The law of 1907 provides in substance that political parties which cast at least 10 per cent. of the total vote of the last preceding general election, in counties having a city with a population of 36,000 or over, shall nominate candidates for county, city, township, judicial and legislative offices in accordance with the provisions of this act. The act is made optional in all other counties of the State, the option to be exercised by concurrent vote of the precinct committeemen of the respective political parties.

The law also provides for the election of precinct committeemen at a time prior to the primary day, each party voting at a different place.

The board of primary election commissioners in counties where the act is mandatory fix the primary day in biennial elections some time between April 1 and July 1; and the city board of primary election commissioners fix the time for the city primary. In counties where the act is not mandatory the precinct committeemen fix the date within specified limits.

It was understood that the act was mandatory in four of the counties of the State and the committee was not able to ascertain that any of the other counties of the State had elected to come in under the law. Any eligible person may become a party candidate by filing with the primary election commissioners a written notice of such candidacy at least five days before the primary. Upon this notice no other signatures than that of the candidate are required, but twenty-five or more voters of a party may file

a petition to have the name of a person placed on the party ballot as a candidate.

The law is not State wide and there is no special agitation to have it made mandatory in other counties of the State, or to extend it to State officers.

A candidate may withdraw by notice in writing within ten days of the primary day. The primary elections are conducted by the regular election officers and the election precincts and voting places are the same as in the election. No personal registration is required, but the voter may be challenged as to his party affiliations. If not, he is entitled to the ticket he calls for; if challenged as to his party affiliations, he must take an oath to the effect that at the last election he voted for a majority of the candidates of the party whose ballot he asks for and intends to vote for the candidates nominated upon this ticket at the coming election.

The ballots are in the usual form, but in different colors for the several different political parties. The law now requires that the names, which are first put on in alphabetical order, shall be alternated so that as nearly as possible an equal number of ballots shall be printed with each candidate's name at the head of the group.

The candidate receiving the highest number of votes is the party nominee. There is no corrupt practices act requiring candidates to file a statement of expenses incurred as candidates before the primary, but certain acts, such as bribing voters, etc., are declared illegal.

OPERATION AND RESULTS OF THE PRIMARY LAW OF INDIANA.

The committee was able to study political conditions only in the city of Indianapolis. The witnesses who appeared before the committee quite uniformly disapproved of the Primary Law of 1901 and of such modifications of the law and practices which had grown up under party rules relating to the conduct of party primaries as were in vogue prior to the adoption of the law of 1907.

A county primary for the nomination of county, judicial and legislative offices was held in 1908 and a city primary was held

in 1909 shortly before the visit of the committee. The latter attracted wide attention and was commented upon to a considerable extent by the press outside of Indiana, and the claim was generally made that the mayoralty candidates of both party organizations were defeated; that the people of Indianapolis had been much aroused and through the medium of the primary were able to assert their rights and overthrow the political machines, greatly to the detriment of political conditions in that city.

In order to ascertain the actual condition of affairs and the real issues at stake, the inquiries of the committee were almost entirely confined to the operation of the law at the last municipal primary.

Twenty-one witnesses appeared voluntarily and upon the request of the committee and gave their views and their personal experiences at considerable length. These men were newspaper editors and writers, bankers, lawyers, men holding prominent official and political positions and men who formerly held high positions in the administration of the city.

Seven of these witnesses in a general way commended the principle of the law, but nearly all of them advocated numerous amendments providing for a limitation upon the expenditure of money, a proper registration, or some method that would prevent cross-voting between the parties, and some of them advocated quite strongly the holding of the primary upon the first day of registration, so as to secure a larger attendance and more general participation at the primary. Two or three only of these witnesses favored a State-wide primary and most of them expressed the opinion that a direct nomination system was more feasible and would work better in a smaller territory than in a large or thickly populated one.

There was a wide difference of opinion among the witnesses upon both sides of the question as to whether the party organizations were defeated in the last municipal primary, the chairman of the Democratic committee admitting that the Democratic organization was defeated, but claiming that he endeavored long before the primary to induce their candidates to withdraw. Some of those who did not favor Mr. Shank, the successful Republican candidate, made the positive assertion that while the Republican

organization pretended to be supporting one of the other candidates for mayor, almost the entire organization of office holders supported Mr. Shank by their votes and by their influence. Certain it is, reasoning from the number of votes cast for the successful Republican candidate, that the Republican organization, so called, could not have been loyal to his adversary.

The following witnesses in a general way commended the direct nomination principle of the Indiana law:

Charles B. Stilz, real estate and insurance, Republican nominee for councilman in the Fifth district.

Jacob Pratt Dunn, newspaper writer, president of the State library commission.

Thomas A. Dailey, lawyer, Republican member of Assembly which enacted the primary bill.

Henry W. Klausmann, civil engineer and county surveyor, also chairman of the Republican city central committee.

William A. Pickens, Democrat, a lawyer, who was once a candidate for representative, but has never held office.

M. L. Clawson, a progressive Republican, who never held any office, but was once a candidate under the convention system.

Henry Seyfried, a lawyer and Democratic precinct committeeman.

These gentlemen quite generally condemned the caucus and conventions held for many years by both political parties, not under any statutory control, having no definite time or place fixed by statute and not required to be open for any certain length of time, and generally dominated by a certain few, who were always in evidence, and for selfish purposes largely sought to control and did dictate and control the nominations. Sometimes the rooms selected for holding the caucuses were packed in advance of the hour, so that citizens who might desire to participate could not enter. It was also claimed that the attendance was very small compared with the voting population, and that only members of the organization or those favored by the so-called organizations had any show of securing a nomination.

From these conditions the legalized primary was welcomed as a distinct relief, because of the fact that they were held by regularly constituted election officers, were conducted in a decently

and orderly manner and a larger number of the voters could and did participate and voted for the men whose names appeared upon the primary ticket.

The necessity, however, for a long continued campaign before the primary, most of the witnesses admitted, operated to deter desirable candidates, who might be unwilling to expend the money necessary, if they had it, or who might not be in a financial condition which would permit them to do it.

Some of these witnesses declared unreservedly for the initiative, the referendum and the recall, and also expressed the hope that all partisan politics should ultimately be disregarded in municipal affairs and that there should be but one election, substantially after the Des Moines system.

Substantially all agreed that it was difficult to secure desirable candidates for mayor, but some attributed it to the smallness of the salary, \$4,000 per annum.

The population of the city is about 240,000; the voting population of the city is about 40,000, and the normal Republican majority is about 5,000; the vote cast at the last municipal primary was approximately 50 per cent. of the voting population.

Some of these witnesses disapproved of the idea of a party enrollment and advised that candidates for mayor should be required to get a large number of signatures upon their petition before they could have a place upon the ticket. Enrollment would prevent participation of independent Republicans and would prevent men changing their party politics in municipal affairs at the time they desired to exercise the franchise in the primary.

Objections were also made to the plurality system of nominating, and many different ideas were advanced to correct these.

In order to ascertain what actually happened in this respect at the last municipal primary, the committee obtained sample copies of the Democratic and Republican primary tickets, which are returned with this report, and upon these tickets we have placed the figures obtained from the election commissioners, showing the vote received by each candidate.

Upon the Democratic ticket it will be observed that the total vote cast for the three candidates for mayor was 14,767. For

the six candidates for councilman of the Sixth district, 12,616, or 2,151 less votes than were cast for mayor.

An examination of the results upon this ticket will show that the four candidates for city clerk, the six candidates for city judge received from 700 to 1,000 less votes than the candidates for mayor, and as you go down the ticket the number of votes for councilmen is considerably less.

It should be explained that the councilmen are nominated from the district of their residence, but are voted for at large.

The same results appear from an examination of the Republican primary ballot. The two candidates for mayor had 18,278, while the four candidates for councilmen in the Sixth district received 13,920, a difference of 4,358 votes.

The candidates for city clerk and city judge received, respectively, 15,573 and 15,948, and the councilmen for the several districts a smaller number as you pass toward the end of the ticket.

Referring again to the Democratic ticket, it appears that there were four candidates for city clerk and the successful one received 37 per cent. of the vote.

There were six candidates for city judge and the successful one received 26 per cent. of the vote.

The successful candidate for councilman in the First and Second districts received substantially 37 per cent. of the vote.

In the Fourth district there were eight candidates; the successful candidate received 3,541 votes, his competitors received 9,059 votes, showing that the successful candidate received 28 per cent. of the vote.

In the Fifth district there were eight candidates and the successful candidate received a fraction over 25 per cent. of the vote, his vote being 3,280 to 9,577 for his opponents.

In the Sixth district there were six candidates and the successful candidate received 31½ per cent. of the vote, having 3,996 to 8,620 for his opponents.

Upon the Republican ticket there were seven candidates for councilman in the third district, and the successful man received 37 per cent. of the vote.

In the Second district the successful candidate received 34 per cent.

In only one office on the Republican ticket where there was more than one candidate and in no office on the Democratic ticket, except that of mayor, did any candidate receive a majority of the votes.

The following witnesses expressed their disappointment with the operation and results of the Primary Law in the city of Indianapolis. Some of them had favored its passage; one or two were members of the Legislature and voted for it there and had changed their views with reference to it, and others condemned the whole scheme of direct nominations:

Adolph Schmuck, chief city editor of the *Indianapolis News*, who usually takes charge of the legislative news, having been connected with that paper for twenty years, an independent Republican.

Henry C. Price, who has resided in Indianapolis for two years and before that lived in New York city, a Republican in politics, a lawyer, having no official position.

Louis Howland, an editorial writer on the *Indianapolis News*.

John W. Holtzman, a lawyer, Democrat in politics, formerly mayor of Indianapolis.

Leopold G. Rothschild, surveyor of the customs of the port, formerly assistant attorney-general of the State.

Gaylord Hawkins, a lawyer, who has never held an elective office or been a candidate for one, but was deputy city attorney and deputy prosecuting attorney.

William A. Ketcham, a Republican, formerly attorney-general of the State for two terms.

William F. Moore, chairman of the Democratic State committee.

Henry W. Bennett, president of the Indianapolis Stove Company, also president of an insurance company, formerly postmaster of Indianapolis, treasurer of the State Republican committee.

Omer U. Newman, a lawyer, Republican in politics, who has never held any political position and does not desire to. He has, however, been actively interested in politics for the past fifteen years.

Albert W. Wishard, a lawyer, who has acted as one of the inspectors of election in his precinct for a number of years. Mr. Wishard stated, among other things, that in his precinct the vote

is about half colored and half white; that 90 per cent. of the colored vote was cast and that only about 10 per cent. of the property holders voted at the primary.

Ernest Bross, the editor of the *Indianapolis Star*, and for five years a resident of Portland, Oregon, connected with the *Portland Oregonian*.

Frank D. Stahlnecker, president of the Capital National Bank of Indianapolis.

The facts presented by these gentlemen may be partially summarized:

The expense to candidates is so great and the organized fight necessary for a successful campaign requires so much personal activity and strain that very few self-respecting competent business men will enter such a contest. Many instances were cited by the witnesses of committees waiting upon men, who might be suggested as competent and desirable and without success because of their unwillingness to become candidates under the direct primary system.

General Ketchum, a man sixty-two years of age, stated that he would no sooner think of entering a contest for an office under this system than he would of taking passage with the Wright brothers in one of their aerial flights.

It was generally conceded that the candidates for mayor upon both Republican and Democratic tickets were not high class men from an individual and business point of view and did not command the hearty support of the community; other candidates were sought, but refused to enter the race, unless the men, who had announced themselves, would withdraw.

The primary was held at a time when a very large number of business men and men of the wealthier classes were away from the city upon vacations and only a very small percentage of what is known as the North Side were at the primaries.

There is almost universal disappointment at the result.

So far as councilmen is concerned, it was generally agreed that from the material presented, the best men were selected. It, however, appeared that the newspapers and the Anti-saloon League, an independent organization having no party affiliations, with one exception, agreed upon the ticket to be nominated and advised

voters throughout the city to make the selection, which they ultimately did.

One of the unsuccessful candidates for mayor spent upwards of \$8000 in the primary campaign and many of the councilmen spent more than their salaries.

Newspaper advertising was generally indulged in.

The prospect of two strenuous campaigns also deters many men from seeking office through this method.

The machine organizations, directly or indirectly, control the nominations as much under the direct primary as formerly under the convention system.

The operation of the primary destroys party alignments; this may not be objectionable in municipal politics, but the trouble is it extends to State and national politics.

Mr. Bross, formerly of Portland, Oregon, stated that the direct primary law of Oregon had played havoc with party organizations in Oregon. It was his opinion that the advocates of direct nomination laws deliberately intended this result.

One of the witnesses stated that the most popular cry of the day was "ring rule," "gang rule," and other similar expressions, which were made through the public press for the purpose of disrupting party organization.

OBSERVATIONS ON THE INDIANA SYSTEM.

The Primary Election Law, mandatory in Indianapolis, and three or four other counties of the State of Indiana, lacks many desirable features and among them, registration and party enrollment; and some method of preventing a multiplicity of candidates by a numerously signed petition or payment of a filing fee.

The only requirement now is that a candidate shall be eligible and shall file a notice of the fact that he is a candidate, or have his name presented by twenty-five petitioners.

The fact that the law permits a person to become a candidate within five days of the primary, sometimes brings out "eleventh hour" candidates, who render ineffectual the labors of other candidates who have been making their canvas for months before the primary.

While Indianapolis has had a form of direct nominations under party rule and statute for some years prior to the law of 1907, and notwithstanding the fact that several counties in the State have of their own initiative been nominating their county officers by this method, there is no pronounced agitation for the extension of the system by statute to make it mandatory in other counties, or to make it State-wide; the parties do not advocate it in their platforms, nor does the Executive recommend it. Democrats claimed in their evidence before the Committee that it would have been impossible to have nominated the present excellent Chief Executive of the State of Indiana, Governor Marshall, under the direct nomination system.

The same tendency toward the extravagant use of money in the primaries was apparent in Indianapolis that has been found elsewhere, and the indications and intimations were quite clearly made that the money was not all used for legitimate purposes.

The unsatisfactory results from the plurality system of nominations is also quite as apparent here as elsewhere, comparatively few candidates receiving as high as forty per cent. of the vote where more than two were in the field, and in many of the cases, the successful aspirant received less than thirty per cent.

If the statements of the witnesses to the effect that they have conversed generally with their friends and neighbors upon the subject of primary elections be true, it must be concluded that the law has disappointed its friends and is not a popular or satisfactory method of selecting desirable candidates for public office, particularly for the management of municipal affairs.

MICHIGAN.

THE LAW.

The State of Michigan passed a revised Primary Election Law at the regular session of the Legislature in 1909, but no primary had been held under this law at the time of the hearing of our Committee in the city of Detroit, August 27, 1909.

The law of 1907 was passed at an extra session and was made mandatory for local officers, — the option to be determined by popular vote in the city, county or district. County committeemen were chosen at the primary. Candidates obtained places upon the primary ballot on filing petitions signed by not less than two nor more than four per cent. of the party vote within the county, district or State, as the case might be.

Separate party ballots of different colors were used at the joint primary conducted by the regular election officers and provision was made for rotating the names. A declaration of party was required and a party enrollment before the primary, but provision was also made for an enrollment of new voters or change of party affiliation at the time of the primary.

The nominees for Governor and Lieutenant-Governor must poll forty per cent. of the vote, and if no nomination was made, the State convention which nominated all other State officers, including Justices of the Supreme Court, would make the nomination for Governor and Lieutenant-Governor. As above stated, the law of 1907 was repealed at the session of 1909, and a new Primary Election Law enacted which fixes the first Tuesday after the first Monday of September as primary day, and requires party enrollment on the first Monday of April preceding, but also provided that an enrollment could be made on primary day of new voters or for those who were sick or unavoidably absent from the district on enrollment day. A voter could change his party enrollment only on enrollment day.

The 1907 law, so far as the State is concerned, applies only to the Governor, Lieutenant-Governor and United States Senator; it is mandatory in cities of more than 70,000, and optional in other cities and counties. In counties where county officers are

nominated by direct vote, and members of Congress and State Senators represent but a single county, they are also included in the direct nomination plan.

Delegates to a county convention to elect delegates to the State convention are elected at the primaries and the same provisions for the nomination of other State officers, the use of separate primary ballots of different colors and the alternating of names are continued in the law of 1909.

A voter cannot sign more than one nomination paper and the provision requiring that the candidates for Governor and Lieutenant-Governor shall have forty per cent. of the vote is eliminated from the law of 1909.

There is also provision that a person can only be nominated by one party and if nominated by both, he must within five days elect upon which party ticket he will have his name printed.

There is no corrupt practices act requiring the filing of a statement of expenses incurred at the primary elections, but because of the campaign methods, particularly in the line of advertising through newspapers, posters, etc., the law of 1909 contains some very peculiar provisions, which all the lawyer witnesses, who testified, said were regarded simply as a joke.

Among other provisions is one known as the Anti-Treating Law. This not only prevents the candidate from treating any person to any kind of liquor after he has filed his petition and until after the polls are closed on primary day, but also prevents any one on his behalf from doing similar acts; "it being the intent of this section to prohibit the prevailing custom of treating by candidates for nomination for public office or by any other person on behalf of such candidates."

The candidate is prohibited from posting "upon or in a building, tree, post, fence, billboard, telegraph or telephone poll, vehicle or other object, any campaign card, banner, handbill, poster, lithograph, halftone engraving, photograph, or other likeness of himself, or other advertising matter used or intended for the purpose of advertising or advancing his candidacy for office."

He cannot print or circulate campaign cards, etc., larger than two and a quarter inches in width by four inches in length, except postal cards and letters, and if these cards contain his picture, it

must not be larger than one and a half inches in width by two inches in height, excepting advertisements in newspapers, and if published there, the picture of such candidate cannot be larger than one and a half inches in width by two inches in height. It also attempts to control the size of type and prohibits the newspaper from charging a candidate anything more than the regular rates. This is intended to cure what has become a universal practice among candidates for nomination at the primary.

Wayne county, which includes the city of Detroit, has had for some years a direct nomination law for county and State officers, and the election of party committees. The act of 1905 repealed the act of 1903, and provided for primary elections in March for the April election, and for three days in September in presidential years and two days in other years.

These primary elections were conducted substantially the same as the primaries since adopted, except that the counting of the vote was under the supervision of a Board of Canvassers.

OPERATION AND RESULTS OF THE PRIMARY LAW IN MICHIGAN.

A primary election was held in Wayne county, September 21, 22 and 23, 1908. There is returned with our report official primary ballots of the Republican and Democratic parties. Upon the former there is one candidate for Congress, four for State Senator, fifty-one candidates for representatives in the Legislature, with eleven to be elected at large, one for Judge of Probate, seven for Sheriff, three for County Clerk, three for County Treasurer, two for Registrar of Deeds, three for Prosecuting Attorney, three for County Auditor, five for Circuit Court Commissioner, five for Coroner, three for Surveyor, three for County Road Commissioner, six-year term, one for County Road Commissioner, one-year term, and four for County Road Commissioner, two-year term, making sixteen offices to be filled, counting the representatives in Legislature as one, and ninety-nine candidates.

The population of the city is about 450,000, and the voting population about 70,000.

Upon the Democratic primary ballot there was no contest, except three candidates for State Senator, and nine of the names for representatives in the Legislature were written in.

Upon the Republican primary ticket used at a previous election there were eighty-three candidates, with eleven to be chosen for representatives in the Legislature. The votes received by each candidate are shown upon the ticket.

Patrick J. M. Halley, a Democrat, and Corporation Counsel of the city of Detroit, appeared before the Committee and gave us the benefit of his observations of the operation of the Primary Law in Detroit. The Republican majority varies from seven to twenty-seven thousand. Mr. Halley referred first to the first Primary Law in Detroit, that provided for the blanket ballot, each party having a column, but cross voting being prohibited; this was very unsatisfactory, as there were many spoiled ballots, and the Republicans insisted that the Democrats selected their candidates for the purpose of nominating the weakest man, who could be beaten at the election. There was evidently concerted action for this purpose.

This law was changed so as to require separate ballots, but it did not prevent the practice which is almost as frequently indulged in to-day as it was under the first law.

There is substantially no contest in the Democratic party, but it is very intense in the Republican party, and the large number of candidates induce Democrats, as well as Republicans to enter the primaries and vote, as there is very little challenging. Party enrollment may help to prevent this, but inasmuch as there are no contests in the Democratic party, certain elements probably will enroll as Republicans for primary purposes; this practice is destructive of party system.

Mr. Halley expressed some doubt as to the constitutionality of the Enrollment Law and said that if the present court would follow the course of the old court in Michigan, it would be declared unconstitutional.

The Primary Election Law was enacted because of corrupt practices that were frequently indulged in in the conventions in Michigan, and this witness and others mentioned numerous occasions when delegates were openly bought so that it became quite a common practice for certain delegates after the nomination of the candidate for whom they were instructed, to sell their votes to others. The law was passed forbidding a delegate to a political

convention to give a proxy. Before the law was passed, the chairman of the Republican State and County Committee announced that the city ticket on the Republican side would be made up from a primary election and this was done without any authorization of law. Subsequently the Wayne county Primary Law of 1903 was passed.

It would have been better, according to the view of Mr. Halley, to have corrected the corrupt practices at the conventions than to have changed the system. Since the adoption of the new system, there have been many cases of ballot box stuffing, and the purchasing of votes in certain wards along the river front has been open and notorious. There are local bosses or padrones who control whole districts and for a consideration, deliver the vote.

It will be remembered that there are three primary days and that the vote is not counted by the inspectors, but now taken to the Board of Canvassers and it has taken them sixty-four hours to count this ballot, employing sixty or seventy clerks.

So far as the selection of candidates upon the Democratic ticket is concerned, Mr. Halley said that he did not know of any man that had been nominated under the primary system that would not have been the choice of the convention, as they have practically no contests in their party.

The witness stated that if the convention system and the direct primary system were both equally surrounded by legal safeguards and protected by all the legal machinery that surrounds a general election, judging from his personal experience and observation, he would go back to the convention system; that as efficient government would be obtained and as high a class of officials by that method.

Under the primary system, each candidate builds up a machine of his own and responds to that, but not to the people in general. He characterized that portion of the law of 1909, which endeavors to control the size of posters, pictures, etc., of candidates as ridiculous.

Popular government cannot be had without an occasional abuse creeping in and he could see no reason why the whole system should be changed simply because of this abuse; that it was better to correct the abuse than to change the system. That he had seen

more corruption and the use of money under the primary system in the same number of years than had been apparent under the convention system.

Hon. James O. Murfin, one of the judges of the Circuit Court of Wayne county, who was first appointed to succeed Judge Brook and elected at the general election in April, 1909, contributed his views upon the Primary Election Law of Michigan, under which he was nominated to the office he now holds.

The Circuit Court is a court of record having both appellate and original jurisdiction, but from which appeals are taken to the Supreme Court, corresponding with our Court of Appeals.

Judge Murfin is a Republican and has been a member of the Republican central committee of the Wayne congressional district, but is now out of politics.

He first gave the reason for the amendment to the law, which provides for the rotation of the names, and said that it was very noticeable that many voters, where there was a long list of names, marked the first name, giving to the one who was lucky enough to occupy that position a very great advantage and showing that the average voter voted blindly where there were so many candidates. He cited several instances where a number of the candidates for members of the Legislature were nominated on the Republican ticket and made most remarkable records, not that they were dishonest, but they were obviously grossly incompetent. "One of them is a cuspidor cleaner here in the county building to-day and was at that time. It cost him a dollar to get his name on the ticket and they had to put up his dollar and his name happened to be first, and he got next to the largest vote of any of them, and that is the reason that it was actually determined that the names on the ballots must in all fairness to the candidates be rotated.

The judge said that he had been active in State and local politics for years, but when he went to the polls at the last primary he could not vote an intelligent vote to save his life. He was required to select eleven out of fifty-one legislative candidates, and it was impossible to do it intelligently; that he had more than one hundred requests from personal friends, men that he met in professional offices, banks, clubs, etc., who requested him to advise them how to vote the legislative ticket. He finally made

a study of it and having no interest in any of the candidates, simply made a large number of typewritten suggestions and handed them to his friends when the request was made of him.

The newspapers sometimes made up a ticket of their own and advised the people as to which names to vote for, and many intelligent men, relying upon their newspapers, would take with them this advice into the polls and mark according to the suggestions made in the paper.

One of the most vicious provisions of the law is one that provides for assisting the unintelligent voter in marking his ballot.

The inspectors belong to both parties, but they have no interest in watching each other, as there is no contest between the parties; the result is that there is usually an understanding between these inspectors, who are interested in one or more candidates upon the dominant party ticket, and they enter the booth with the ignorant voter and mark his ballot according to their own wishes. He referred to the Ninth ward in the city, which is overwhelmingly Democratic and is in the heart of the Polish district. Not one man in twenty who votes there can read and write English or even speak it, and the result is that when the vote is counted there are very few Democratic votes polled because these people vote the Republican ticket, where the principal fight is being carried on. They enroll for that purpose.

Referring to the methods of campaigning, Judge Murfin said that the city just before the primary "looks like a crazy quilt — there won't be a telegraph pole or a light pole or an electric heat and power pole that is not plastered with signs and names and faces of persons; they will get out extra editions of papers and extra pages. I have seen on the Sunday previous to a primary by actual count sixteen additional pages in the Sunday press of candidates advertising all the way from a full page in an important case to a small cut; some good looking men put in their own faces and some use false faces; I remember one time some fellow used my face. I don't know why. So that the ordinary voter before the primaries, with all this costly advertising and billboard and street-car advertising before him, is hopelessly confused and you cannot expect one man in 10,000 to be able under these circumstances to intelligently vote a ticket with as many different candidates on as this one.

There is probably ten times as much advertising done at the primary as there is at the election, for the reason that in this county during the last ten or thirteen years a Republican nomination is generally equivalent to an election."

Conspicuously unfit candidates have been nominated, and Judge Murfin mentioned the case of Hoffman, who received the Republican nomination, but was beaten by a Democrat because it was ascertained that he had been a grafter while coroner and had served time for it. The advertising matter in the newspapers was not calculated to furnish the voter good information, but the editorial support of a paper gives a man a tremendous advantage over his opponent.

Judge Murfin stated that he was opposed to the primary elections when they originated, and that he had seen some cases where they had worked out splendid results, but in the main he thought it a very serious mistake. He thought if it were submitted to a popular vote it would probably carry four or five to one, but those that have watched it and studied it are all against it, and he thought the time would come when they would get tired of it and repeal it.

The expenditure of money to get a nomination is lavish and startling. It is quite impossible to get a reputable business man to run for mayor. The reply is, "Why, do you think I will go through the sort of campaign that you have got to go through to be nominated?" And they would refuse.

Judge Murfin said that the Republican party in the State was obliged by its last platform to advocate a State-wide primary law and nominate everybody from governor down to coroner by direct vote, but at the last session of the Legislature they did not do that and he shuddered to think of what would happen with all the State officers to be nominated.

Referring again to the influence of the press, Judge Murfin said that he thought the editorial policies of the papers were dictated solely and entirely from the box office, that is, from their receipts; he did not mean, however, by this that the moneys paid to the papers by the candidates for advertising necessarily controlled their policy, but that the papers endeavored to get upon the popular side, knowing that to be upon the unpopular side

impaired the circulation and decreased their revenue from general advertising. Political advertising, however, was very profitable and the primary election last year netted the three largest papers of the city in general circulation over \$20,000 increased advertising. In this connection it may be said Mr. Hunt, formerly connected with the *Detroit Journal*, estimated that the newspapers of Detroit received for the personal advertising of candidates before the last primary something like \$110,000.

A very significant statement was made by Judge Murfin: "The thing locally about the primary election that has disgusted me more than anything else is the fact that every man in touch with the situation is honestly and at heart opposed to it and none of them dare say so. I just went around on this floor here this morning while I was waiting for you gentlemen to come, just to see merely around among the men who are holding various offices, and every officer on this floor with one exception is at the bottom of his heart absolutely opposed to primary elections and knows that it is wrong, and you cannot get one of them to say so except in a very confidential way, and they stand out and advocate it and push it on the stump and put it in their platform, and if one is only running for county clerk he will say that he is for primary elections."

It was popular because of its history, but if a secret ballot could be taken he believed it would be beaten; in the State at large, people who are not in touch with it and have not seen just what are the defects in its operation still think it is a great thing. Theoretically it is ideal, but it cannot be made practical. The defects are inherent and not capable of legislative correction.

The witness referred to the last primary and the acrimonious debate conducted by the rival candidates:

The Republican primary ballots cast for governor were..	200,911
Democratic primary votes cast for governor.....	11,643
Governor Warner received at the election.....	262,141
The Democratic candidate for governor received.....	252,011
Warner's plurality being.....	9,530
The plurality on the presidential ticket for Taft electors over Warner was.....	149,079

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The other Republican State officers, who were nominated by convention, received substantially the same vote as the Republican presidential electors. This is attributed to the bitter discussion during the primary fight and men, who in the excitement of the primary called their opponents hard names, could hardly be expected to support them at the election. Ammunition was furnished for the other party and the question was frequently asked, "What did you say about him before the primary?" Except for the presidential ticket, Governor Warner would undoubtedly have been beaten.

Under the old system of nominating candidates spent but very little money before the convention, but now the expenses were trebled at least.

Judge Murfin said that none of his colleagues, with possibly one or two exceptions, approved of the direct primary.

He particularly condemned the nomination of judges by this method and called attention to the fact that there were twenty-eight candidates for circuit judge on the Republican ticket and they had to plaster their names and faces and advertising all over in order to perpetuate themselves in office, a thing that no judge ought to have gone through.

It is impossible to get proper men selected in that way. Some men will not go through that ordeal to sit on the circuit bench.

Referring to the operation of the primary in rural districts, Judge Murfin said that it was impossible to get a representative expression, as not one-third of the vote came out at the primary.

It is only in cases of contest where people come out to the primary and then usually not more than half of the total vote was polled. He mentioned primaries in which not 10 per cent. of the people came out. The delegate to the last constitutional convention was nominated by only one-twentieth of the total vote. Under the old convention system, when there were contests, Judge Murfin said, he had seen as many people at the caucuses as at the primaries. So far as special interests and corporations are concerned, it was fully as easy for them to control the primaries as the convention.

Henry M. Campbell, a prominent attorney of Detroit; partner of Mr. Russell, the general counsel for the Michigan Railroad

Company, and a member of the Constitutional Convention of 1907, was an interesting witness before the committee.

Mr. Campbell stated that he had never been ambitious for political office and had declined a good many times to run.

Mr. Campbell is the author of an article in the August, 1909, *North American Review* under the head of "Republican Government versus Initiative and Primary Nomination," and presented his views upon this subject and upon the subject of primary nominations, which are opposed to any of the methods of direct nominations in vogue. Mr. Campbell not only stated the situation in Michigan, but in Oklahoma, Oregon and other States where laws of this character have been in force for some time. He said that he had more or less correspondence with leading men in Oregon and that their views confirmed his, that the methods of the initiative, referendum and recall have invariably in the long run proved disastrous; that they failed absolutely to represent the majority and the sentiment of the majority of the people.

He particularly condemned the method of campaigning by the chief executive, who has been more than a month in going from town to town in an automobile, accompanied by a brass band and exploiting himself, passing out his pictures and asking for votes. His opponents were compelled to do the same thing and the expenses were enormous.

Mr. Campbell also spoke along lines similar to those discussed by Judge Murfin, and read into the record that portion of his article in the *North American Review* referring to direct nominations. Just a few words may be quoted as indicating the mental attitude of Mr. Campbell toward this subject:

"This system has been adopted in many of the States; and in practice has lead to some results quite different from what its advocates claimed for it. It has become apparent that only seekers after office become candidates for nomination — the office no longer seeks the man. The system destroys all party organization. Political policies and principles are entirely lost sight of in the confusion of individual ideas. It affords no opportunity for consideration of the fitness of candidates; each candidate, whether qualified or not, determines that question for himself.

"Voters are limited in their choice to such persons as present

themselves. If there are but two candidates, the one selected may be considered the choice of a majority of the people, as between the two; but it by no means follows that some one else would not have been more satisfactory than either, if some better method of ascertaining the real wishes of the people were provided. If there are more than two candidates, as is usually the case, the almost inevitable result is that the candidate selected is the choice of but a minority of the party; and as candidates multiply and the range of selection increases, a correspondingly reduced minority may foist upon the party a candidate who may be altogether objectionable to a large majority."

He referred to the Democratic candidate for lieutenant-governor, Patrick H. Kelly, a poor man, and said the question was raised and discussed in the papers as to whether he could raise money enough to carry on a campaign in the primary, but he had finally announced that he had succeeded in raising a campaign fund for this purpose.

It was stated that Judge Montgomery, who was a Republican candidate for Governor had stated publicly that he was in favor of direct primaries and Mr. Campbell referring to the Republican convention held in the spring of 1909, said that while the party endorsed officially the direct primary system, he believed it was the opinion of the majority of that convention that the system was not sound and if they had had the courage of their convictions, they would have denounced it instead of endorsing it; that there was a very strong sentiment upon that side.

Mr. Charles D. Joslyn, who has been appointed by two Governors as a member of the State Board of Fish Commissioners and is an attorney of standing in the city of Detroit, in general practice there for the past thirty-five years, also expressed himself very decidedly against the primary system in Michigan.

Mr. Joslyn has also contributed to the press a number of articles upon this subject. He maintains that the law fails to produce the results which are sought. Public sentiment in this State is undoubtedly against what is called the open primary, and in all the other crucial tests of this primary it has in effect become an open one.

When asked if he would advise his son to enter public life through this method of obtaining a nomination, he replied that he would advise him against it very strongly, and said that the whole tendency of political campaigns under their primary is not only degrading, but in many instances corrupting. He mentioned many specific cases where young men had been financially and morally ruined through the temptation and excitement of a campaign for nomination at a primary.

His attention was called to the statement of a gentleman, who expected to appear as a witness, but did not, to the effect that the people of the State of Michigan are dissatisfied with the primary law which they have, but complained that the politicians would not give them the kind of law that they wanted. Mr. Joslyn said in reply, that he knew that this was not correct, that the politicians had not hindered the movement, but had helped it along thinking they were making themselves popular; that they were constantly endeavoring to amend the law so as to overcome objections. He stated that the conservative business and professional element of society is opposed to the law and he did not believe that the bulk of the people of the State of Michigan are in favor of it. He thought that when it was first advocated they were, but that it had turned out as every primary law that he knew anything about did; that it was what its friends called "defective," did not produce the results they anticipated.

Each session of the Legislature had tinkered with the primary law and each election following that tinkering has produced the same failure. The defects are inherent and cannot be cured.

Referring to the participation of voters at the primary, he said that outside of Grand Rapids or Detroit, he should say that it was not above 8 per cent.

Mr. Fred R. Schmalzriedt, a young attorney in the City Clerks' Office, gave to the Committee the method of counting and canvassing the vote, and stated that it required sixty-four hours to count the primary ballot, with between seventy and 100 men working all the time.

The primary was held for three days so that the final results were not known until six days after the first day of the primary. Mr. Schmalzriedt was secretary of the board. He also

expressed his disapproval of the State primary in strong language, but believed that the city primary had worked reasonably well, although if there could be a delegate and convention system protected by law, he would prefer it in the selection of candidates for public office.

He characterized the Michigan Primary Law as a "regular farce." He also commented quite severely upon the growing practice of purchasing votes under the Primary Law.

OBSERVATION OF THE MICHIGAN SYSTEM.

While our investigation does not cover a great deal of territory in the State of Michigan, still conditions in other parts of the State than Detroit are referred to to some extent by the witnesses who appeared.

From the evidence produced before us, it is impossible to draw any other conclusion than that the Michigan Primary Law previous to the law of 1909, which had not yet been tested, has proven very unsatisfactory, and the fact that such drastic changes and amendments have been made in the law of 1909 would indicate that at least a majority of the legislators disapproved of the law of 1907.

It does not appear to have improved political conditions that existed under the delegate and convention system.

The apparent desire to furnish everybody with an opportunity to vote at the primary by allowing three days has been without results, and the percentage of attendance is even smaller than in many other states where there is but one primary day.

As far as the Committee were able to ascertain, there is but little in the Michigan Primary Law that would be profitable to copy into any law to be enacted in this State.

DIRECT PRIMARY LAWS IN STATES OTHER THAN THOSE VISITED BY THE COMMITTEE.

No investigation has been made of the primary laws of the Southern States, for the reason that they bear many characteristics of a preliminary election, on account of the electoral conditions.

A brief digest of the principal statutes of the Northern States relating to primary elections follow. The primary election laws of these States are in pamphlet form in the State Library.

CALIFORNIA.

In California, the first primary law adopted was held to be unconstitutional. An amendment to the constitution permitting such law was subsequently adopted, submitted to vote and ratified. A State-wide direct primary was passed in 1909.

The act does not apply to special elections, presidential electors, municipalities, whose charters provide a system of nominating candidates, officers for reclamation of irrigation districts, school district officers other than in a city, or delegates to national convention.

Graduated percentage of signers to nomination petition required not exceeding 10 per cent. Filing fee of from ten to fifty dollars required. Separate ballots for each party.

Primary election officers are the same as for general election. Party committees elected at the primary. Limitation according to office of expense to candidates for nomination, based upon the number of votes cast and statute designates what legal expenses are allowed.

MISSOURI.

Laws of 1907, page 262. Mandatory for entire State, including United States Senator and excepting presidential electors and national delegates. County committeemen are chosen at the primary, who in turn choose delegates to district convention. The party casting 1 per cent. of the vote is subject to the law.

Separate party ballots are used and graded percentage requirements for signers of the candidates' petitions.

The party State platform is framed by the State committee, consisting of two members from each congressional district.

NEBRASKA.

Laws of 1907, Chapter 52. Mandatory for entire State, including United States Senator, excepting local officers and officers of cities under 25,000. Delegates selected by county committees to State convention formulate platform and the candidates appoint campaign committees. A filing fee for candidates at the primary is required varying from five dollars for county, legislative and city officers to fifty dollars for United States Senator. The candidate's name may be on more than one ticket if so designated. Separate party ballots are required and an enrollment of party affiliation. The party polling 1 per cent. of the vote is subject to the law.

NEW JERSEY.

The Primary Election Laws of New Jersey were amended in 1906.

It provides that nominations for presidential electors, governor, members of Congress, of General Assembly, State Senate, county clerk, surrogate, register of deeds, sheriff, county supervisor, coroner, mayor and for all elective officers in the State and in the cities, towns and other municipalities of the State to be voted for at the general election for members of Assembly by the voters of more than one ward or township, shall be nominated at conventions composed of delegates chosen at primary elections held pursuant to the act. All candidates of political parties for offices to be voted for at the general election for members of Assembly by the voters of a single ward or township shall be nominated directly without conventions at the primary elections. Primaries are conducted at public expense.

NORTH DAKOTA.

Laws of 1907, Chapter 109. State-wide and mandatory, including United States Senator, but excepts officers of cities and minor localities. Nomination papers are to be signed by from 3 to 5 per cent. of the voters and a filing fee of 1 per cent. of the salary is required. Separate party ballots are provided and parties polling 5 per cent. of the vote for Governor are subject to the law. Nominees must poll at least 30 per cent. of the vote. Names to be alternated on the ballot.

OHIO.

The law will be found at page 214 of the Laws of 1908. It applies to county, city and local officers, congressmen from one-county districts. It may also include United States Senator. County committeemen are chosen at the primary. Nominations are made by petition signed by 2 per cent. of the voters. Separate party ballots provided and a party polling 10 per cent. of the vote cast is subject to the law.

OKLAHOMA.

Laws of 1908, Chapter 31. Mandatory, State wide, including United States Senator, and excepting presidential electors and national delegates. Delegates are selected at the primary and formulate the platform. State, county and city committeemen are chosen at the primary. Graded number of signers to petitions is required. Separate party ballots of different colors are furnished and enrollment of party membership provided for. A limitation in amount of expenditure in primary campaign is provided for.

OREGON.

Laws of 1905, Chapter 1. Adopted by initiative and referendum. It is mandatory for State and for district, county and municipal elections, in unit of over 2,000 population and includes United States Senator. Precinct committeemen are chosen at the primary and they form county and city committees and elect member to a State committee. Candidates' petition must be

signed by 2 per cent. of the voters. Separate party ballots of different colors are provided. The law provides for party enrollment. Only parties casting 25 per cent. of the entire vote are subject to the law. This provision eliminates many minor parties and reduces the expense of providing ballots for parties so largely in minority that contests for nominations are unlikely.

SOUTH DAKOTA.

Laws of 1907, Chapter 139. Mandatory for the State, including United States Senator, but excludes city and town officers, which may be included by popular vote. Precinct committeemen are chosen at the primary and county delegates, one for every 100 votes of the party, form the State convention and adopt the platform. Candidates' petitions must be signed by from 1 to 3 per cent. of the vote for candidates, and a graded fee of from five to fifty dollars is required. Separate party ballots of different colors are provided. The nominee must poll at least 30 per cent. of the vote, otherwise the choice goes to the convention.

WASHINGTON.

Laws of 1907, Chapter 209. Mandatory for entire State including United States Senator. Excludes fourth class city, town and some local officers. Precinct delegates to county convention chosen at primary. Filing fee of ten dollars with 1 per cent. additional on salary over \$1,000 required. Separate party ballots are provided and the names entered in the order of filing petition. All judicial candidates are on non-partisan basis and must appear on all ballots. Only parties that poll 10 per cent. of the vote are subject to the law. The objects of expenditure are named and limitation provided for. Selection of State candidates, when there are four or more for any office, there is provision for "second choice" voting and such choice is counted if no first choice nomination is made by 40 per cent. of the vote.

Of the states above mentioned the law seems to have been longest in operation in the State of Oregon, which was passed in 1905. This law was enacted upon initiative petition at the June election held June 6, 1904.

So short a time has elapsed since the enactment of such legislation in the States mentioned that the operation of the laws must be regarded as still in the experimental stage. Many of the States have had but one trial and as many of them have biennial elections not more than two or three tests of the primary have been had. Many amendments are introduced at every session of the Legislature intended to overcome defects that were apparent in such trials of the law as have been had.

NEW YORK STATE.

The resolution appointing the Committee authorized it to take evidence in the State of New York, and it was therefore deemed wise to obtain such evidence as was available as to the working of the Primary Laws of this State in the cities of Buffalo and New York, and also to obtain some evidence as to the methods pursued in nominating candidates in rural counties, and to ascertain the reasons, if possible, for the general demand for primary reform throughout the State.

Sessions of the Committee were accordingly held in the city of Buffalo, in the county of Orleans and in the city of New York. It would have been profitable, had time permitted, to have held sessions in other cities and rural counties, but the Committee felt that it was able from such hearings as it had to get a fairly correct idea of the methods pursued in rural counties for the nomination of candidates for office, of the working of the primary laws now in force in our cities, and of the demands and necessities of primary reform throughout the State.

The more weighty objections made to the Erie county system, as disclosed by the evidence taken in Buffalo, were,

First. That an official primary ballot is not provided upon which should be placed the names of delegates to all conventions, whether the delegates suggested by the regular party organizations or other delegates who may be suggested by candidates acting independently.

The present practice is for the party organizations to prepare their own ticket, upon which are placed not only the names of the delegates suggested but the names of candidates for offices that are voted for directly like supervisor, alderman and ward committeeman.

An independent organization or a person desiring to be a candidate under these circumstances is obliged to furnish his own ticket and has small chance of success at the primary unless a full ticket is presented by such organization or individual to the voters at the primary.

Second. That the names of delegates and candidates to be voted

for at the primary are not required to be filed or their names published any specified time before the primary day, and it is inconvenient, if not impossible, for independent organizations or individuals, who may desire to be candidates, to ascertain in advance of the primary who are the delegates suggested by party organizations and who are the organization candidates for such offices as are to be voted for directly, including ward committees, etc.

If the so-called Erie county system should have added to it a provision for an official ballot for each party to be printed at public expense, upon which the names of all candidates for delegates to all conventions and all candidates for offices to be voted for directly, are required to be placed; and if all suggestions and nominations of delegates and candidates for offices to be voted for directly were required to be filed ten days or two weeks before the primary day, it would cure most of the evils now complained of.

If a joint primary were to be held by the regular election officers under all proper statutory safeguards as to party enrollment, etc., the system, we think, for a municipality like Buffalo would be quite ideal so long as partisan politics are permitted or thought desirable in the administration of municipal affairs.

In this connection very valuable suggestions looking toward an amendment of the law were made by Mr. George D. Emerson, the commissioner of elections of Erie county, whose testimony appears at pages 2803 to 2828.

It will be remembered that Mr. Emerson at the last session of the Legislature proposed an amendment providing in substance that the primary election should be held at the regular polling places in each district instead of rearranging those districts as is now the practice. This met the approval of the Republican, Democratic, Prohibition and Socialist parties, was favorably commented upon by all the newspapers and there seemed to be no objection in the system. It passed both houses of the Legislature without comment or criticism, and failed of executive approval.

Mr. Emerson believed that with such amendment as suggested the law would be quite satisfactory to the electorate of the city — that it is now quite satisfactory, and there is no general agitation for a change. The city still has the convention system outside of the three ward officers, supervisor, alderman and constable, but the

party could extend the direct system to mayor, if they so desired, but that is not the practice in either party.

Hon. Ansley Wilcox, of Buffalo, testified at some length before the Committee and made numerous suggestions as to the modifications of the Primary Law, the shortening of the ballot by the elimination of minor offices, and submitted in writing some plans for direct nominations of candidates for city offices, all of which are printed at length in the record of his testimony, pages 2650 to 2710.

Mr. Wilcox's suggestions had reference almost entirely to municipal elections and it is impossible to set forth at length in this report the methods advocated by him. Upon the general question of direct nominations, he said, page 2700: "I would like to say this more distinctly than I have yet, that my belief is that an attempt to extend the direct primary system beyond the limits of a compact community so as to spread it over the entire State would be fatal to the cause of good government in the State and that it involves evils and dangers which are of the first magnitude. * * * I believe, notwithstanding the good motives and the high ideals that I know underlie the bill and which are of the best, that its results would be precisely the opposite that its advocates expected and that it would do great harm and no good."

Mr. Wilcox strongly advocated a limitation upon the amount of money that a candidate for nomination might expend.

Mr. Henry Adsit Bull, a prominent lawyer of Buffalo, explained to the Committee in detail the method of nominating candidates in Buffalo, and pointed out the specific objections above alluded to, that is, the failure to file lists of the proposed candidates long enough before the primary day to enable those who might wish to contest to do so with knowledge of the names of the delegates or candidates against him. Mr. Bull expressed himself strongly against any plan by which a political organization should have any advantage of an artificial character in favor of the candidate that they recommend, and advocated that all candidates should have an equal show before the voters of the party.

The practice in Buffalo of not disclosing the names of delegates and candidates is the vital point of the whole system and has provoked a lot of criticism. The criticism has been directed to

that feature of the law and the practice under it, and some have condemned the entire system instead of looking for a particular point of weakness.

He also advocated such an official ballot as the Republican State convention in 1908 declared in favor of. He advocated also the Massachusetts or Australian ballot for primaries, but was not in favor of it for use in general elections.

Another objection to the present system is that the ballot is not a secret ballot at the primaries, but they are distributed in advance in large numbers and it is perfectly possible for the committeemen to put a ballot into the hands of a voter and watch him while he goes up and votes that identical ballot.

There should also be a sample ballot which an illiterate voter could mark or have marked for him and take to the booth and mark his ballot to correspond.

Mr. Bull also advised that the primary day should be combined with the first day of registration, not only for the purpose of saving expense, but in order to attract more voters to the polls on that day.

Mr. Bull thought that member of Assembly in Buffalo could be nominated by direct nomination, as the Assembly district is only about twice the size of some of the largest wards, but would not extend the system beyond that.

Another suggestion worthy of consideration was that the law should provide that no person holding an appointive office under the national, State, county or municipal government should be allowed to serve as the committeeman of a party or as a delegate to any convention; the reason being that an appointee owes his position to some superior officer, in whose interest he would endeavor to make up a "slate" of candidates. The convention ought to be made up of men who have no strings on them whatever, who will vote and who are free to vote according to what they think right, without being liable to lose their jobs if they do not vote the way somebody else wants them to.

Another very important suggestion, and one which was frequently made to the Committee and which has been used as a basis of argument in favor of a State-wide direct nomination scheme, is in reference to the so-called intermediate convention; and he ad-

vised that such conventions be abolished and delegates to all conventions be elected by direct vote at the primary. This would make conventions more truly representative.

In cases of a contest in the convention each delegate casts the number of votes which were cast in his district for the candidate of his party for Governor at the last preceding election, except the delegates from certain rural towns, who are allowed double the number of votes cast for the candidate for Governor. Mr. Bull condemned this practice and thought that there should be a straight delegate vote.

Mr. Wallace Thayer appeared before the Committee, interested particularly in the so-called Hinman-Green bill, and stated that the principal defect in the Erie county system is that the mass of voters do not attend the primaries, and when asked as to whether that was a defect in the law or a lack of interest on the part of the voter he replied: "It is a defect in the principle of the law," and severely condemned the delegate system upon the assumption that delegates were manipulated by political organizations in convention. Mr. Thayer spoke at length in condemnation of the convention system, and particularly condemned the practice in Buffalo of not disclosing the names of the delegates who were suggested by political organizations, and the fact that the law compelled a person who might wish to act independently to print a ticket and create an organization throughout the city that could contend with the regular organizations of the great parties.

If the present law should be amended so as to compel political organizations to publish their ticket long enough before the primary to give every voter exact information as to the candidates and delegates proposed, it would overcome some of the evils, but not the greatest.

Referring again to the Hinman-Green bill, Mr. Thayer thought it would work excellently for Governor, but it would operate unjustly, if at all, in selecting the other State officers, such as Secretary of State, State Engineer and Surveyor, etc.

Mr. H. D. Butterfield, connected with the "Direct Nominations League" of Erie county, also called attention to the defective working of the Erie county system along the same lines mentioned by Mr. Bull.

Mr. Lewis Stockton, president of the "Referendum League" of Erie county, appeared in opposition to the principles of the present primary election law, and also in opposition to the principle contained in the Hinman-Green bill, and went into a general discussion of the subject. His principal objection to the Hinman-Green bill was the provision for a party committee, which he thought could be impressed by party leaders into making nominations according to their dictation, and that it would perpetuate a system whereby party nominating committees are so brought under the party leaders' influence that the party nominees become practically an appointment of the party leader.

He commended the Oregon Referendum Law. The organization represented by Mr. Stockton is non-partisan and particularly interested in city affairs. He condemned the party method of government of cities, commending particularly the plan recently adopted in Boston. He would not extend the nomination of officers by petition beyond the confines of a city, and would only apply it to such cities as voted for it.

The Committee was also favored by the testimony of Mayor James N. Adam, who spoke generally in favor of non-partisan administration of city affairs.

He opposed the personal enrollment, particularly in primaries, for the nomination of city officers.

The mayor said that he had never affiliated for the purpose of voting at the primary, although he was supposed to be a Democrat.

Mr. John J. Smith, of Buffalo, expressed himself in favor of doing away with the system of convention and the nomination of city and county candidates by direct vote, but he would not abolish the Assembly, Senatorial and State conventions.

It was also disclosed by the testimony of some of the witnesses in Buffalo that there was a considerable number of persons who apparently voted the minority ticket at the election and who lived in wards where the opposite party was largely dominant, enrolled themselves with the opposite party for primary purposes. It was impossible to ascertain to what extent this practice prevailed; it simply showed the tendency and possibilities under the enrollment law.

In cases of contest in various wards, as shown by the evidence of Mr. Emerson, commissioner of elections, the attendance at the primaries frequently amounted to 50 or 60 per cent., and where there were no contests from 10 to 20 per cent. of the enrolled vote.

The Committee held a short session at Albion, Orleans county, and a number of witnesses volunteered information as to the method of conducting caucuses and conventions in that county, which has only three large towns, Albion of about 5,000, Medina of about the same size, and Holley of about 2,000. The total population is about 31,000. The county is nominally Republican by about 1,800.

The Republican party holds one convention which nominates candidates and elects delegates to other conventions, and in this convention each town, regardless of population, is represented by five delegates, and there seems to be a strong opposition to any other method of representation according to population. There are six towns that have a much smaller voting population than the other four and they seriously object to the change as it would give the other four towns the control; as it is the six country towns control the nominations. Under the proposed Hinman-Green bill four towns could control the nominations.

On the other hand, the Democratic party is represented in convention by two delegates from every election district, making forty-four for the convention, and more nearly representing the population than the method adopted by the Republican party.

The early calling of the conventions and caucuses and the lack of any definite date for these is strongly criticised. The practice has been to hold caucuses of both parties upon the same day throughout the towns of the county.

County Judge Isaac S. Signor, who testified before the Committee, thought if the date and method of holding caucuses and date and method of conducting conventions were fixed by statute it would be more satisfactory to the people in general.

It also appeared from Judge Signor's testimony that town officers were nominated by conventions, the delegates being elected at school district caucus.

Judge Signor advocated personal registration in the rural districts and thought that the farmers in the country districts should

be compelled to personally register, whether they liked it or not; that a man that does not take interest enough in the election to spend two days, one to register and one to vote, ought not to be a voter. He also advocated that primary day should be held on the first day of registration, and that there should be a limit to the expenditure of money in obtaining nominations.

Mr. Herbert T. Reed, clerk of the Surrogate's Court; Mr. Spencer W. Tanner, an Independent Democrat; Mr. Thomas E. Kirby, formerly district attorney of Orleans county, and Mr. Lafayette H. Beach, formerly a newspaper publisher, also appeared before the Committee and explained the methods of nominating candidates in Orleans county.

Attention is called to the fact that there is little uniformity in the method of nominating county officers and electing delegates to other conventions in the various rural counties.

In Orleans county, as above stated, the unit of representation in the Republican party is the town, while in the Democratic party it is the election district. In other counties each town has a minimum representation and the delegation is increased according to the voting population.

Some towns in the same county hold a town convention, delegates being elected to this town convention from the school districts or from election districts, and the town convention in turn elects delegates to the county convention. In some counties two or more conventions are held, one for the nomination of county officers and another for the election of delegates to judicial, senatorial and State conventions.

There is a practice in some towns where there is a contest between two candidates in the same town for the same or different county offices, of voting directly for the candidate and allowing the candidate to name the delegation, who shall be favorable to his nomination.

Another plan is for the candidate to select a delegation placing his name at the head under the designation of the office for which he is a candidate, and the caucus then votes for the contesting delegation.

The attendance at the caucuses in cases of contest compares favorably with the attendance at the primary elections in the

western States where there are spirited contests between candidates.

In some caucuses the delegates to a county convention are nominated and voted upon one at a time, and in others the entire delegation is elected by a vote cast by the secretary of the caucus.

In order that the votes of the delegates to conventions may be known to all it is not an unusual practice to require that delegates, upon roll call, shall be required to arise and announce their choice for any candidate being voted for, and this practice has received a good deal of commendation.

The principal evil of the delegate and convention system in rural districts in the State complained of is the practice sometimes indulged in by party leaders of calling caucuses at different dates in different towns, sometimes early, sometimes late, without sufficient notice.

In many counties it has come to be an established rule of the party that all caucuses of a political party shall be held upon the same day, usually two or three days before the convention, and this practice is to be commended, and if the date of holding caucuses and conventions had been fixed by statute, and not longer than sixty or seventy days before the election, much of the criticism which has been made against the delegate and convention system in rural counties would never have been uttered.

The Committee desired information as to the operation of the Primary Election Law of this State in the city of New York, and also upon the question as to whether or not a so-called "fusion" could be readily effected under a general system of direct nominations.

The Committee accordingly met at the Appellate Division court house in the city of New York on December 9, and was favored with the attendance of

Hon. William H. Wadhams, president of the Direct Primary League;

Professor Henry Jones Ford, professor of politics in Princeton University;

Professor Frank J. Goodnow, professor of administrative law and Municipal science in Columbia University;

Hon. William M. Ivins, of New York;

Mr. Robert S. Binkerd, secretary of the "City Club" of New York;

Mr. William B. Selden, chairman of the Cleveland Democracy, and Dr. Charles W. Eliot, president emeritus of Harvard University.

Judge Wadhams explained to the Committee how "fusion" in the last municipal election was brought about between the Committee of One Hundred and the Republican city convention, and said that he regarded it as one of the great advantages of the Committee plan under the Hinman-Green bill that it lends itself readily to bringing about a true fusion, that is a union of diverse elements upon a ticket which should be so made up as to appeal to the voters in each of the parties joining in the fusion, so as to elect a ticket by a combination of those elements as against some common enemy. He claimed that such a self appointed committee as the Committee of One Hundred could enter into negotiations with the legalized committee provided for in the Hinman-Green bill, and as a result of such conference be able to obtain from the party committee an endorsement of candidates suggested by the fusion committee, or an endorsement of the candidates suggested by the party committee by such fusion committee, and that such result would add great strength to the party candidate. This, of course, would not prevent any independent candidate for the head of the ticket or any minor position upon it from making an effort to obtain the nomination. He claimed that Mr. Bannard, the Republican candidate for mayor, who was endorsed by the Committee of One Hundred, was handicapped in his contest because under the present system there was an entirely unofficial selection.

At the primary, if the party voters do not desire a fusion they can substitute some candidate of their own.

Other candidates may seek the nomination and might prevent fusion by means of their political activity, but Judge Wadhams did not think it likely.

He cited the case of D. Clarence Gibboney, the candidate for district attorney in Philadelphia, who, under the Pennsylvania Primary Election Law became the nominee of the William Penn party and Democratic party, and received a large vote from the

Republican party, and asserted that under the Hinman-Green bill, if fusion was desired, Democrats could be candidates for the nomination upon the Republican ticket, but if he were put upon the Republican primary ticket he could not be voted for by those members of the Democratic party who might desire fusion, and who could and would vote for him if on the Democratic ticket.

Judge Wadhams also maintained that party enrollment was necessary in order to have any success in direct primaries. He declined to make the general statement that the Hinman-Green bill meets all the necessary requirements of a Direct Primary Law and is satisfactory in every way; he thought it was the best bill that had been suggested, but that there were certain minor features of it, more particularly with reference to the machinery and the method of carrying out the preliminaries for the making of suggestions to be presented to the enrolled voters on primary day in the counties up the State, which might be improved. One suggestion was that the election district rather than the town should be the voting place, in charge of the regular inspectors of election. He thought the method of counting the ballots and giving credit to the candidates should be left to the party committees to determine for themselves.

One of the serious objections to the present method of conducting primaries in New York city is the fact that there is no official ballot and the party committeemen make up the ticket so that anyone who desires to contest it must get up an entire ticket. An official ballot upon which all delegates should be placed, whether suggested by the party committees or by party members or groups of members on petition, would in large measure remedy this condition, if they were obliged to file their list of delegates and candidates a certain number of days before the primary, with an opportunity to present counter-lists.

Professor Henry Jones Ford, of Princeton University, was a voluntary witness before the Committee, and discussed in a general way direct primary systems in the United States. Professor Ford takes a very strong position against any system of direct nominations, his argument covering the general objections stated by so many witnesses who were before the Committee in the States where direct nominations systems are in vogue.

Professor Ford is the author of an article on the Direct Primary, published in the July, 1909, number of the *North American Review*, to which he made reference, and reaffirmed the views therein expressed. This article is made a part of the record as it is valuable from an historical and academic point of view, and it appears at the close of the testimony given by Professor Ford, at page 3103 of the record.

Attention is also called to letters received by the chairman of this committee and made a part of the record from page 3104 to 3115.

Professor Frank J. Goodnow, who has been connected with Columbia University for twenty-five years, and is the author of "Municipal Home Rule," "Municipal Problems," "City Government of the United States," "Municipal Government," and a book called "Politics and Administration," appeared before the committee. Professor Goodnow has made an extensive study, not only in this State but in the principal cities of the world, including Australia and New Zealand, of municipal problems and systems for the nomination of candidates for office.

When asked with reference to a possible fusion under the Direct Primary system, he said that it was certainly conceivable that any arrangement that might be reached between a minority party and independents would not be ratified at a primary of that minority party. That independent candidates might make an active campaign and obtain the plurality as against candidates suggested by a legalized committee under a direct primary law and fusion prevented. All fusion presupposes conference, preliminary conferences by self appointed committees. The best system for the nomination of candidates is that which will select people who will work together in the interest of the entire community, and result in better government. It is results that should be sought in all these matters rather than methods, and that method which secures the best results for an entire community was, in the judgment of Professor Goodnow, the best method. There is no theory in favor of any particular method. Any method which will be successful in reaching the desired result must eliminate a great many of the offices which are now under our system elected. Compared with the various municipal governments throughout the world our

municipal government is practically the only one that attempts to get very many of its officers through the processes of election. In England practically no one is elected except members of council; the same rule prevails in France and in Italy and in Prussia. It is absolutely impossible to conduct a municipal government successfully on the basis of the free general election of officers.

Professor Goodnow expressed the opinion that unless you have an extremely strong party organization where there is a great number of elective officers, you get a lot of people in office who will not pull together; there is no "team work" but individualism, and a government under these conditions is liable to be inefficient.

He said it would be extremely difficult for the ordinary voter to know the qualifications and characteristics of men who might offer themselves as candidates for public office in a city the size of New York, where it requires signs in four languages to tell the people to keep off the grass, English, Italian, German and Yiddish.

One suggestion made by Professor Goodnow to the Committee that drafted the Hinman-Green bill, was that following the English scheme of uncontested elections, if the suggestions or nominations made by party committees were not opposed, that they should not of necessity go before the primary, but should be regarded as nominees of the party. He thought this would save a great deal of expense and frequently the holding of a primary might be avoided as it would be a mere formality under such circumstances. Attention was called to the case of the candidate of United States Senator in Maryland, who had no opposition but was obliged to go through the formality of a primary at his personal expense of about \$16,000.

Professor Goodnow does not regard the Hinman-Green bill by any means as an example of a pure direct nomination; that the committee system is a representative system.

Mr. Robert S. Binkerd, secretary of the City Club of New York, expressed views favorable to a direct nominations system along the same lines indicated by Judge Wadhams. He went to quite an extent into the history of nominating systems in the United States in an exceedingly entertaining and instructive manner. He advocated the abolition of all conventions and an extension of the direct nominating system to the State at large, but said that he

would like a blanket ballot on which he could vote for a candidate for each office, even though he might be Republican, Democrat, Prohibitionist or anything else; if, however, the party idea was to prevail, then enrollment, he thought, was necessary, and in this connection, that personal registration would be necessary in country districts as well as in the city.

He said he approved of the passage of the Hinman-Green bill in its present form, at least of its general principles, because he thought it a step toward a still better electoral system; he thought, however, that it was not quite fair that the candidates suggested by the party committees should be the first names under the designation of office, as it would give him an advantage with the illiterate voter.

Mr. Binkerd also expressed the belief that an official primary ballot and a requirement that the names of delegates and candidates to be voted for at the primary should be filed in advance of the primary, would take away part of the artificial advantage which is at present conferred on those who control the party organizations.

Mr. William B. Selden, the chairman of the Cleveland Democracy, presented his views to the Committee upon the direct primary plans in general, citing some instances of his experience in New York.

He expressed the belief, after a careful consideration and discussion with many gentlemen connected with the Republican organization, the Democratic organization and the Independence League, that the committee provision of the Hinman-Green bill would result in a political oligarchy for the two dominant parties in the State of New York. After their examination of the Hinman-Green bill they prepared a bill for an official primary which was subsequently introduced by Mr. Newcomb.

Mr. Selden was engaged for several months in the organization of the Cleveland Democracy, enrolling voters, etc., and secured quite an enrollment, and as a representative of that organization participated in conferences that endeavored to bring about fusion, and one of the objections which he made to the Hinman-Green bill was that it would not allow Independents any expression of opinion at all in the primary politics and would have been absolutely im-

possible under the Hinman-Green bill for an independent movement to have become inaugurated politically anywhere in the State of New York while that law was operative.

It perpetuates an oligarchy and leaves the voter powerless. It is simply centralizing more and more the power of a political organization into the hands of fewer and fewer people that are less responsible to the general voter.

Reference was made in the summary of the evidence as to the operation of the Primary Law of Massachusetts, to the testimony of Dr. Charles W. Eliot, president emeritus of Harvard University.

This evidence was taken in New York city at the close of the hearing there, and it is not necessary to repeat the substance of the statements of President Eliot, who severely condemned the direct nomination or primary law, so far as it affected municipal conditions in the city of Boston..

Mr. John R. Dos Passos, a prominent attorney of New York city, requested permission of the Committee to file a communication containing his views upon the subject of direct nominations, and the permission was granted, and the same is made a part of the record. Mr. Dos Passos expressed in earnest and vigorous language his disapproval of any system of direct primaries, contending for an improved representative system.

Jacob Gould Schurman, president of Cornell University, transmitted to the Committee a copy of his speech upon the subject of direct nominations delivered before the Committee of One Hundred at Utica on February 5, 1909, in which he takes a very positive position against the enactment into a law of a general system of direct nominations in the State of New York. President Schurman has reached his conclusions upon this subject after an extensive tour of the middle west and western states, including Oregon and Washington, and after a careful study of the systems of these states and conferences with leading citizens as to the results and operations obtained. In his letter of transmission President Schurman states to the Committee that he retains unchanged the views expressed by him in the speech referred to, and maintains that the arguments presented by him against the system have not been satisfactorily answered.

THE COST OF A STATE-WIDE DIRECT PRIMARY LAW IN
THIS STATE.

The Committee has endeavored to obtain satisfactory data as to the expense to the public of conducting a single State-wide primary election, but as the compensation to election officers and the rental of polling places varies throughout the State it is quite impossible to arrive at any very accurate figures.

If a primary election is conducted by the regular election officers in each of the polling places in the State, so far as the conduct of the election is concerned, it will cost substantially the same as the regular election, excluding the cost of registration.

In New York, Kings, Queens and Richmond counties there are 1,633 election districts and 3,035 election districts in the balance of the State, making 4,688 in all; eight election officers are required by law to be in charge of each polling place, and the compensation varies from two to six dollars a day. It is, however, the practice to allow for two days because of the counting of the ballots. The canvass of primary ballots will ordinarily require more time than the canvass of the election ballots, because the vote cast for each individual candidate must be counted separately as there will be no such thing as "straights" and "splits." The experience of the city of Detroit, which has had a central canvassing board for primary elections, as previously stated, is that it required from seventy to one hundred clerks sixty-four hours of continuous session to canvass the vote cast at one primary. Taking into consideration the fact that a separate ballot and not a blanket ballot must be published for each party casting 10,000 votes at the last general election and that sample ballots must also be provided for each party, and that notices of the primary election must be published in the newspapers, and nomination petitions and other notices must be furnished to county clerks, Secretary of State, and all necessary forms for canvassing the ballot, certifying nominations, and making returns must be printed at public expense, that in most districts polling places must be rented, it is, we think, a conservative statement that the average cost to each election district will be not less than seventy-five dollars, or approximately \$350,000 for the entire State. The Committee would be glad to be furnished with actual

data, but in arriving at this estimate it has also compared the expense in other States where similar primary elections have been held. A single primary in the city of Philadelphia costs the city approximately \$100,000, and the election officers are paid only half fees. At the primary held on the twenty-second of January last forty tons of paper were used for primary ballots alone.

While the item of public expense, if reasonable, ought not to be considered if there are large compensating advantages in the operation of this system, nevertheless we think the public should be informed so as to take this matter into consideration, before enacting into a law a system which adds a considerable amount to the moneys necessary to be raised by taxation, which expense is mostly borne by political organizations or voluntarily contributed by its members.

GENERAL OBSERVATIONS.

As before stated, direct nomination schemes made mandatory by law, in other than small territories, are still in an experimental stage. There is a wide diversity of opinion among patriotic and well-meaning citizens as to their desirability as a means of selecting candidates for elective offices.

It cannot be said with truthfulness that only the "bosses" or machine politicians oppose the system, nor can it be asserted with confidence that only idealists or opportunists, who are willing to advocate anything that seems for the moment to meet with popular favor, are its friends.

The investigation of this Committee convinces it that no political movement in recent years has so excited the public mind, has aroused so much animosity, has split national parties into such bitterly opposing factions, as has the agitation for and the operation of direct nomination systems in the several northern States which are trying the experiment.

The people have the right and should exercise it of selecting their own candidates for public places, and by many any plan which promises to accomplish this desired result, is welcomed and accepted without question, whether theoretically defensible or not.

In all direct nomination systems the disappointment comes when

the voter, in the exercise of the privilege he has sought, enters the election booth upon primary day, demands the ticket of his party and finds that instead of selecting his own candidates, he must choose between two or three or a large number of men, who have simply nominated themselves by petition circulated either by the candidate or by some one employed in his behalf.

The universal practice in all direct primary States is for the candidate to employ some one to circulate a petition in his behalf, and such petition is of little value as an expression of the sentiment of its signers, as has been recently demonstrated in the mayoralty contest in Boston. One candidate had upwards of five thousand signatures to his petition and received less than seven hundred votes at the election. Another candidate had upwards of five thousand names to his petition and received less than eighteen hundred votes at the election.

So far, in the history of primary legislation, there is a great lack of uniformity in the different States. The question is often asked why it is, if those laws operate so badly in other States that they are not repealed. An examination of the history of these laws will disclose the fact that but one, two, or three trials in nearly every State is all that have been had under the system; the advocates of the law are attempting to amend it at each successive session of the Legislature, in many cases the amendments being of the most radical character.

The above question may be answered by asking another: If direct nomination laws accomplish such good results, why is it that in these States that have not adopted the State-wide direct primary but have primaries for county and district offices, there is no agitation to extend the system beyond the localities in which it was first operated?

The city of Boston for nomination of its municipal officers has used direct nominations for nine years or more and has given the system a very thorough trial. Its best citizens have concluded that it is vicious in its results and by legislative enactment and vote of the people, have abolished the direct primary for municipal officers.

It is true that many other States have adopted direct primary laws more or less extensive, and we are cited to this fact as one

of the reasons why this State should enact a system of State-wide direct nominations. The Committee does not concede the force of such argument.

It is also true that many of these States have adopted a Bank Guarantee Law, have lax divorce laws, and the State which has had a State-wide direct nomination system the longest, Oregon, has also included the Initiative, Referendum and Recall in its local system. Many southern States have adopted constitutional amendments designed to prevent the colored population from exercising the franchise. Conditions in the middle west and in the far west are very different from conditions in a State like New York, with more than one-half of its population located within the bounds of one city, in which is a very large foreign born population, many of whom who are naturalized citizens, but who cannot read or write the English language. The same condition exists in every city of the State.

It is far easier to put upon the statute books a bad law than to get rid of it when once enacted.

While it must be conceded that political conditions in the State and party control and management are not all that is to be desired, and that many just complaints have been made as to party management and the conduct of nominating machinery, the Committee is nevertheless convinced, from its observation of political conditions of the several States visited, in the middle west particularly, that no such reason exists here as in other States for so revolutionary a procedure as to abolish the representative system, which has been in vogue since we became a State, and substitute therefor a direct system of nominating candidates for public office. In very few localities where now are direct primary laws was there any previous statutory control or regulation of caucuses and conventions. Corruption and bribery in all forms of dishonest methods were commonly resorted to. No attempt was made, except in a few localities, to regulate party machinery by statute. The enactment of direct nomination laws, however, has not remedied, but has rather aggravated, the evils that existed under the convention system.

Candidates for public offices ordinarily find it necessary to expend large sums of money to further their canvas before the

primary, and all the evidence received tended to indicate that these expenses were increased several fold under the direct system. Not only that, but many men of slender means were tempted to enter the political arena and when once in, found the necessities so great and the temptations so many in a bitter contest between members of the same party, that they became financially and morally ruined.

Few men who are at all modest are willing to enter into such a contest for political honor. The system has disorganized and is disorganizing the majority party by building up factions that are much more bitterly opposed to each other than are national parties, which may be contending for supremacy by advocating different principles of government or methods of administration; and minority parties having no contests for nomination are taking part in the contests in the dominant party, which will ultimately result in their political extinction.

Party enrollment a year in advance of the primary is undoubtedly the best method of preventing the raiding of one party's primary by members of another, but it will not overcome the evil nor will it relieve the system of its essential difficulties.

It is true that a larger percentage of voters of majority parties frequently participate in the legalized direct primary, but the complaint is general also that the intelligent business men of the community take but little interest in its contests and the general attendance is due entirely to the personal activity of so many candidates, who, by the expenditure of large sums of money, by personal solicitation and through the paid advertisements of the press and its appeals, induce voters to enter the primary.

DEMAND FOR PRIMARY REFORM.

That there is widespread and real demand for primary reform cannot be denied. It should be assumed that all patriotic citizens are desirous of accomplishing in legislation the very best thing that can be accomplished for the Empire State. The question should be decided upon its merits.

It should be remembered that there are at least two principal political parties in this State and whatever legislation is enacted should be for all rather than for the control of the dominant party.

The argument most frequently heard in favor of a system of direct nominations is that it interests many more voters than the caucus and convention system. This is true only when there are contests at the primary election and not at the caucus; the converse of the proposition is also true; when there is no contest for nomination at the primary, it is a mere formality. It must not be forgotten that the minority party only in very rare instances has any contest at the primary, and the result is that frequently not five per cent. of the majority party's vote is cast.

If this system is an educational one, as is claimed, it leaves out of consideration the education of the minority party, which always selects its candidates by party agreement, places them upon the primary ticket and then sits quietly by and enjoys the factional fights engendered in the majority party, or enters into its primaries because of the solicitation of friends, or to help nominate weak candidates, who can be defeated at the election.

In New York city, there would be but few, if any, contests in the Republican party except in districts where dominant. Fusion, which has sometimes proven so desirable, it seems to us, would be very improbable under a direct primary. Outside of New York city, there would be few contests in the Democratic party, and the primary for them would be a needless formality and a useless expense.

If a State-wide Direct Nomination Law, or any direct nomination law, is of doubtful propriety, it should not be enacted; it should not be tried simply as an experiment. The State cannot afford to experiment with measures of this character. It can better afford to await the results of the experiments in other States, and in the meantime seek to perfect our representative system by statutory control.

Many eminent men have represented the people of this State in prominent positions, all of whom have been selected by the representative system. The government has succeeded by this system, and if it cannot succeed as a representative Republican government and thereby effectually secure equal rights to all, it cannot succeed at all.

The demand for primary reform should be met with such legislation as will accomplish a real reform, and it is the judgment of the Committee that such primary reform should be enacted as will make the representative system more nearly representative, as will enable every citizen to secure the benefits of participation in political affairs, and as will also secure the best men for the public service.

In nearly all towns and villages of the State, we now have direct nominations for local offices, and it is very doubtful if the system can be extended beyond such districts. The continuance of the "town meeting" in such localities is, it seems to us, very desirable. It invites men, who are acquainted with each other, to get together and discuss their local affairs and select their local officers, and no system of regulated primary with official ballot can possibly accomplish for such localities as much as can be accomplished under the old town meeting method.

More essential than a State-wide direct nomination system is the reform now being agitated for a "short ballot," from which will be eliminated purely administrative officers and offices requiring technical and professional skill. If a system of direct nominations is ever to be adopted in this State, and if the Constitution shall be so amended as to provide for the so-called "short ballot," it will be the part of wisdom and good statesmanship to let the former follow the latter so-called reform. The tendency, however, in the direct primary States is to increase rather than limit the number of elective offices, the cry of those who seek to get into office being that the people should choose all of their public servants. With so many elective offices as there are now in this State, it must be conceded by all thinking men that it is physically impossible for the average voter to make any intelligent discrimination in the selection of candidates. The very fact that there is an agitation for a "short ballot" is in and of itself proof that men, who are thinking along these lines, are convinced that the voters at the election cannot wisely select so many officers as now are in the elective list. How then can they select from so many candidates before the primary?

In view, therefore, of the evidence received by the Committee and after a most careful consideration of this important subject we respectfully recommend:

First.—That a uniform primary day, not earlier than September first, except in presidential years, when it shall not be earlier than April first, be established throughout the State.

Second.—That a joint primary election for all parties be held at the regular voting places; be presided over by the regular election officers; be kept open not less than five hours, and governed by all the provisions of the Election Law relating to election day so far as the same may be applicable.

Third.—That all political parties, recognized as such by the General Election Law, be subject to the law.

Fourth.—That there be an enrollment of party voters throughout the State; such enrollment to be made at the time of registration where personal registration is required, and on the day of general election or on registration day, where personal registration is not required.

Fifth.—That an official primary ballot be printed for each party at public expense, upon which shall be placed the names of delegates to all conventions, appropriately designated and so arranged that the party voter may vote for groups of delegates, or for any of the delegates according to his choice, in other words, a "straight" or "split" ticket.

Sixth.—That party, county, town and ward committeemen be elected by a direct vote at the primary.

Seventh.—That the names of all candidates for delegates to conventions and committeemen be filed with appropriate officers a reasonable length of time before primary day.

Eighth.—That all so-called intermediate conventions for electing of delegates to other conventions be abolished.

Ninth.—That the date for holding political conventions after said primary day be fixed by statute and the procedure therein be also governed by law; that all delegates elected to sit in con-

vention and armed with a certificate issued by the custodian of the primary records to that effect shall be secure in their seats; that contesting delegations be heard by a Justice of the Supreme Court, or county judge of the county in which the convention is held.

Tenth.—That all voting in conventions by ballot be abolished, and that upon call of the roll each delegate be required to express openly his choice with respect to the various nominations, but State conventions may vote by counties if no objection is made in the convention.

Eleventh.—That the number of delegates to the several conventions be fixed by party rule, and that the unit of representation for various party committees be also determined by party regulation.

Twelfth.—That the law relating to corrupt practices at elections be amended so as to include the primary election.

A bill embodying the foregoing recommendations of the Committee will be presented herewith.

The resolution appointing the Committee is not broad enough to clothe it with authority to recommend the adoption of a concurrent resolution providing for the submission to popular vote of an amendment to the Constitution, eliminating from the elective system offices that are purely administrative or require technical skill, but it seems to us that the consideration of this subject is closely allied with the consideration of the subject of primary elections, and that it is worthy of the careful consideration of the Legislature.

The Committee and those associated with it entered upon the prosecution of their work with the sole desire to accomplish needed reforms in nomination methods and in election laws in the interest of the people of the State.

They believe that it will be unwise for the present, at least, to depart from the historic representative system, under which the political affairs of the State have been so long administered, and it is confidently believed that the measures proposed will provide

adequate remedy for conditions in our political life and activity which have become unsatisfactory, and the proposed primary reforms will accomplish the highest object of all political machinery — the selection of competent, conscientious, patriotic and faithful public servants for the administration of the affairs of the State.

Respectfully submitted by the Committee.

Dated at Albany, New York, February 16, 1910.

On the part of the Senate:

GEORGE L. MEADE, *Chairman*

JAMES A. EMERSON

On the part of the Assembly:

JESSE S. PHILLIPS, *Vice-Chairman*

ROBERT S. CONKLIN

FRANK L. HOWARD

JULIAN SCOTT

JAMES E. FAY

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PROCEEDINGS

OF THE

JOINT COMMITTEE OF THE
SENATE AND ASSEMBLY

OF THE

STATE OF NEW YORK

PROCEEDINGS.

FIRST SESSION — July 12, 1909.

MEETING OF THE JOINT COMMITTEE OF THE NEW YORK
LEGISLATURE TO INVESTIGATE THE SUBJECT OF
DIRECT PRIMARY NOMINATIONS.

STATE HOUSE,
BOSTON, MASS., *Monday, July 12, 1909.*

CHAIRMAN MEADE: The Committee will please come to order. Judge Knapp, you may proceed.

Judge KNAPP: May it please the Committee: This, the Committee appointed by resolution of the Legislature of the State of New York, having requested me to act as its counsel, I shall, of course, be guided by the suggestion of the Committee as to the proper method of procedure and will endeavor to make such suggestions as seem to me will accomplish the desired end, which is a thorough and careful investigation of the election laws, not only of the State of Massachusetts, but of other States, for the purpose of perfecting the laws of the Empire State.

The appearances here, I will state to the stenographer first, on the part of the Committee, are Senators George L. Meade, of Monroe county, as chairman; Senator P. H. McCarren, of Kings; Assemblyman Jesse S. Phillips, of Allegany; Julien C. Scott, of Chenango; Frank L. Howard, of Tioga; Robert S. Conklin, of New York; James E. Fay, of Kings. The other senator, Victor Allen, is not present.

Mr. Henry Seilheimer is the secretary of the Committee; Mr. H. C. Lammert is the stenographer that has been selected; Mr. William M. Murray is the assistant stenographer; Mr. B. J. Haggerty is the sergeant-at-arms; Mr. W. H. Knapp is counsel.

I think it proper, gentlemen, in the first place, for the refreshment perhaps of your recollection as to what occurred in the Legislature, to read the resolution under which you were appointed:

“Mr. Allds, from the Committee on Finance, to which was referred the concurrent resolution introduced by Mr. Meade, providing for the appointment of a special committee of the Legislature to investigate the operation of direct primary nominations in other states, and all matters pertaining to conventions and elections generally, reported in favor of the passage of the same amended to read as follows:

“ ‘ WHEREAS, There have been introduced in the Legislature several bills relating to the nomination of candidates to public office and the conduct of party primaries and conventions, and in relation to nomination to public office by direct vote of the electors, and to amend the Election Law; and

“ ‘ WHEREAS, Much uncertainty exists concerning the practical and satisfactory working of certain so-called direct primary laws and other laws regulating the nomination of candidates to public office in other states of the United States; and

“ ‘ WHEREAS, The question of proper regulation of nominations of candidates to public office is of paramount importance to the people of the State and one which deserves the most careful study and consideration, to the end that further legislation safeguarding the interests of the people may be enacted, if necessary; therefore,

“ ‘ RESOLVED (if the Assembly concur), That a committee of eight be constituted, consisting of three senators to be appointed by the President of the Senate, and five members of Assembly, to be appointed by the Speaker of the Assembly, and that such Committee be and hereby is directed, to examine into, consider, and investigate the operation, efficiency and results of the so-called Direct Primary Law for the nomination of candidates for elective offices in other states of the United States, as well as the laws of this State regulating the conduct of party primaries and conventions, and, generally, into all matters pertaining to the election

laws, for the purpose of determining what amendments, if any, to the present law or laws governing primaries and elections, are needed, the same or what other further legislation may be needed upon the subject, and to report its recommendations to the Legislature on or before the 1st day of February, 1910, together with proper and necessary bills to carry into effect its recommendations, if such recommendations require it; and be it further

“ ‘ RESOLVED, That such Committee be authorized to sit during the recess of the Legislature and outside the city of Albany, and that it be and hereby is authorized and empowered to subpoena and enforce the attendance of witnesses, including public officers and employees; to require the production of books and papers, including any public record or document of any municipality of the State, or any public board or body thereof; to employ counsel, stenographic assistants and such other employees as may be necessary for the purposes above set forth; and be it further

“ ‘ RESOLVED — ’ ”

and then the portion of the resolution with reference to the expenses of the investigation.

This is the resolution as it was in the Senate, and I assume as it was in the Assembly and was passed by the Assembly. And the appointments have been made by the Lieutenant-Governor and the President of the Senate, and the Speaker of the Assembly, James W. Wadsworth.

I ask your honors now to consider as a part of the record the laws of the State of Massachusetts relating to elections, together with the amendments down to the present time.

I have here a copy, which is kindly furnished me by the Secretary of State, and the supplement; and will a little later put into the record one additional act which was placed upon the statute books of this State last winter.

Chairman MEADE: Are you going to mark them in as exhibits?

(“ Law Relating to Elections,” marked “ H. C. L. 1.”

“ Supplement to Laws Relating to Elections of the State of Massachusetts,” marked “ H. C. L. 2.”)

Judge KNAPP: I will state to the Committee that the election laws of the State of Massachusetts are, perhaps, like the laws of other states, quite complex and written at considerable length; and

I have requested Mr. Boynton of the Secretary of State's office, the deputy, to appear before the Committee; and he has kindly consented to do so with arrangement with the Secretary of State, Secretary Olin, for the purpose simply of explaining in detail and giving us an easy grasp of the legislation in the State of Massachusetts as it exists to-day. And if the Sergeant-at-Arms will go to the next floor above, 331, and ask Mr. Boynton to come down —

Mr. SCOTT: Give us Mr. Boynton's initials.

Judge KNAPP: Herbert H. Boynton.

Assemblyman CONKLIN: What is his office?

Judge KNAPP: Deputy Secretary of State.

HERBERT H. BOYNTON appeared before the Committee.

Judge KNAPP: Gentlemen, I will say that so far as witnesses, of course, are concerned, in this State, you are aware of the fact that we are not able to summon by subpoena, and that such evidence as we can get from the mouths of witnesses is voluntary testimony of men who are familiar with the subject; and we shall hope to produce quite a number of witnesses upon all sides of the controversy before the hearing is through. And we are under obligations to Secretary of the Commonwealth Olin, and to his deputy, the witness who is now presented to you, Mr. Herbert H. Boynton, the Deputy Secretary of the Commonwealth, as it is called in this State. So that the formality, of course, of the oath is not to be regarded.

Q. Mr. Boynton, I will ask you some questions, if you will permit — your home is in the city of Boston? A. In North Abington.

Q. And how long have you been connected with the office of Secretary of the Commonwealth? A. Thirty-three years.

Q. And your present position, as Deputy Secretary of the Commonwealth, you have held how long? A. For eighteen years, I think; very nearly that.

Q. During this time will you state whether or not the subject of elections, election laws and primary laws, and so forth, has come under your direct observation? A. Yes, sir; it has.

Q. Are you familiar with the election laws of the State of Massachusetts? A. Somewhat.

Q. And the primary laws; have you had occasion from time to

time to pass upon the construction of these laws by way of advice and suggestion? A. As to their application?

Q. As to their application and as to their construction and meaning? A. Yes.

Q. I want to ask some general questions with reference to laws of this State. Is there, in addition to the general qualifications of the voters an educational qualification in this State? A. Yes, sir.

Q. What is it? A. In brief, each applicant is required to read a certain part of the Constitution which is drawn from a box by the person.

Q. Each applicant for registration? A. Yes.

Q. And before he can be registered as a voter he must be able then to read some portion of the Constitution of the State? A. Yes.

Q. Is there an additional educational qualification; is he required to be able to write his name? A. To write his name; yes.

Q. And must the reading of this portion of the Constitution be in English? A. In English, yes.

Q. I think the other qualifications of voters in the State are substantially the same as in our State. Women having the qualifications are permitted to vote upon the subject of — relating to schools — is that correct? A. Yes, schools.

Q. Upon any other subject? A. No.

Q. Now with reference to registration of voters; is personal registration required in the city of Boston? A. Yes.

Q. How often; how frequently? A. Well, I would rather that would be asked from the Election Commissioners of Boston. I do not care to say on the question of registration because that does not come within my jurisdiction.

Q. Just for the purpose leading up to something else — such registration is not had every year, as I understand it? A. Not every year.

Q. And it is upon the application for registration that this educational qualification is required to be determined? A. Yes. There is one exception; a person who was a citizen prior to 1857 is not required to do so, although that does not apply very frequently. You will find that contained in Section 12 of Chapter 560.

Q. Yes, I recall it. You have two sets of election officers in the city of Boston; what are they called? A. The Board of Election Commissioners.

Q. The Board of Election Commissioners? A. Yes.

Q. And how are they selected? A. They are appointed by the mayor.

Q. In the other towns and cities of the State what are they called? A. Registrars of Voters.

Q. And how are they selected? A. The Registrars of Voters are appointed.

Q. By what authority? A. By the mayor and selectmen.

Q. The selectmen of the town and the mayor of the city? A. Yes, the mayor of the city.

Q. The word primary in this State has reference to what? A. As applied in this State it has reference to joint caucuses; the term is used joint primaries or caucuses. The primaries or joint caucuses, that means where all parties meet at once in a primary election.

Q. And the law requires a joint primary only in what localities? A. It requires it in the city of Boston and in other places it is optional.

Q. That is, it may be had in other places by a vote? A. By a vote of the people.

Q. Of the people, and if a joint caucus or primary is once adopted in a locality how may it be discontinued? A. Why, by a vote of the people, the same.

Q. So that that question may be submitted there for the continuance of the system if it has been adopted, or for its adoption in the first instance. A. Well, no; they vote to accept it and then they vote to extend, so it will continue until the rescission.

Q. Yes, but the form of the vote, "Shall this, the joint caucus, be continued?" A. Yes, yes.

Q. That is what I was getting at. Can you say substantially any of the places outside of Boston where the so-called joint caucus has been adopted in this State? A. Shall I give the names of those?

Q. Yes. A. Outside of Boston?

Q. Outside of Boston? A. Cambridge, Chelsea, Gloucester,

Lawrence, Lowell, Medford, Newton, Quincy, Salem, Somerville and Waltham cities, and in the town of Middleboro.

Q. Those cities, the names of which you mentioned, how are they located with reference to the city of Boston? A. Geographically?

Q. Yes. A. They are at different sections of the commonwealth, you know, all over the commonwealth.

Q. But how many of them are within a radius of twenty miles of Boston? A. Well, Cambridge, Chelsea, Everett, Lawrence, Lowell, Newton, Quincy and Waltham are all within the radius of twenty miles, twenty or thirty miles.

Q. So then that the joint caucus or primary as it is called has been adopted in how many cities outside of — have you got the whole number there (indicating)? A. Eleven.

Q. Eleven, and in one township? A. One township.

Q. You say town; I suppose by that you mean a rural township? A. Yes.

Q. In which there is no city? A. Yes.

Q. This joint caucus or primary is what is known as the Luce law in this State? A. No, sir. Well, I say no; it was called the Luce law, yes. I have reference to the other caucus act. It is called the Luce Act.

Q. Will you explain the method of procedure at the joint caucus; how voters, after enrollment, express their choice of candidates? A. Well, precisely the same as an election only that each party has its tinted, separate tinted ballots; and the party asking for the ballot asks for the ballot of his party.

Q. That is, as the voter approaches the polls and desires to vote, he asks for the ballot of his party? A. Yes, sir.

Q. And must declare in that respect the party ticket he wishes to vote? A. Yes, sir.

Q. And there is a different color, I understand you to say, for the different party tickets? A. Yes.

Q. These ballots (we will have copies of them a little later) are similar to the ballots used at the regular elections, are they? A. Similar.

Q. Does the law provide any method of registering the political

affiliation of an elector or voter? A. Yes; when he asks for his ballot he declares it.

Q. And the election officers then record whether it be Republican, Democratic or Prohibition or whatever it may be? A. Yes, sir.

Mr. PHILLIPS: That is at the time of the general election.

Judge KNAPP: No, this is at the time of the caucus.

The WITNESS: Excuse my answering that question; there is no party color at the election itself; they ask for the ballot; they are all similar.

By Judge KNAPP:

Q. And this caucus is all held at the same time for all parties? A. Yes, sir.

Q. And the State officials—they are selected how? A. Selected by State officials—you understand that this refers entirely to political parties?

Q. Yes. A. The word “politically” better be put in there because there are other parties in this State besides political parties and they do not come under it.

Q. They do not come under this act? A. No.

By Assemblyman CONKLIN:

Q. The voter only declares his party then at the time he appears for voting at the primary? A. That is all.

Q. And not previously? A. Not previously; not at the time of registration, if that is what you mean.

By Judge KNAPP:

Q. Now if a man appears and asks for a party, a political party, ticket, and is recorded as having, on the previous election, the previous primary day, a party ticket of a different party, is he permitted to take another party ticket at that time? A. Not within the same calendar year.

Q. Not within the same calendar year? A. Without the registration has been changed. I do not mean the registration but his designation of party has been changed.

Q. In other words, if a man should appear at the primary of 1908 — A. Yes.

Q. (Continuing) — and asked for a Republican ballot the record will show whether or not he asked for the same kind of ballot a year ago? A. Yes.

Q. And if the record shows that he asked the year before for a Democratic ballot, is he permitted to take a Republican vote at that primary? A. Not within the same calendar year, without he has changed his enrollment.

Q. How may he change his enrollment? A. He may change his enrollment by appearing in person before the election commissioners in Boston and the city clerk of any other city, or the town clerk in the town, and request it in writing, to have his enrollment changed to another party, but such change shall not take effect until the expiration of ninety days after the voter so appears.

Q. So that he must have changed his enrollment ninety days before he appears at the primary in order to be entitled to vote at that particular primary? A. Yes, sir.

Q. In towns other than Boston, where this joint caucus is mandatory, and towns and cities where they have adopted a joint caucus act, what direct nominations or primary provisions are there, if any? A. Well, your question involves considerable for the reason that the word "primary" or "joint caucus" has no reference to the localities where official ballots are used.

Q. Well, then, to go back; perhaps you can state it in your own way. A. Would you like to know the number of places in which direct nominations are held?

Q. Yes, I want to know that. A. There are 118 districts in which direct nominations are held.

Q. In the State? A. In the State.

By Assemblyman PHILLIPS:

Q. Let me interrupt right here: Is this joint caucus or joint primary, as you call it, is that a primary? A. No, sir; it is a distinction which New York State makes in the term "primary"—it means caucus—that is, you have your primaries. Our term primaries applies to —

Q. I simply want to get it right. A. Yes.

Q. That is, when you mean "joint caucus" you do not necessarily mean the places where they have the direct nominations?

A. No; that is the reason why I answered the question as I did. It does not mean direct nominations.

By Judge KNAPP:

Q. No, it does not mean by that, but I think that Assemblyman Phillips is incorrect in that conclusion — at the joint caucus it is mandatory in Boston and in those places which you have mentioned, there is the direct nominations which is followed, is it not, with this official ballot; there is no convention of delegates there; is that what you mean? A. Oh, yes.

Assemblyman PHILLIPS: Oh, yes.

The WITNESS: Yes. The word primary or joint caucus has no reference to direct nominations in itself; it may apply. But in places where direct nominations are made — we will take in one district here — just take the district — the first Essex district, the first Senatorial district, that is a direct nominations district and there is no direct primary election in the place in which the district is — and in Swampscott they have no primaries, that is direct nominations.

By Judge KNAPP:

Q. I think I have not made myself clear, Mr. Boynton. As I read the statute the primary shall apply to the caucus of political parties held under the provisions of sections 144 to 160 of this chapter? A. Yes, sir.

Q. Sections 144 to 160 provide for a joint caucus? A. Yes.

Q. Which is mandatory in Boston and may be adopted — and has been adopted in the eleven cities and one town to which you have referred? A. Yes.

Q. That is correct, isn't it? A. That is correct.

Q. Now at these caucuses or primaries the method of direct nominations is pursued, is it not? A. No.

Q. What are these tickets, when a man calls for his party ticket, what is on that ticket? A. Why the direct nominations they may — the primaries have no connection, as I put it —

because there are cases where the primaries — where they vote for delegates to convention just the same, the party delegates are just the same on the ballot.

Q. Well, they may — at this primary I am referring to — vote for delegates to conventions? A. Yes, exactly.

Q. And they may vote for nominees for office? A. Yes.

Q. Both directly, I mean? A. Yes, directly.

Q. So that it amounts to direct nominations so far as the nominees are concerned and to the election of delegates to a convention, if such delegates are to be elected? A. If such delegates are to be elected.

Q. Is the method of conducting the —

By Senator MEADE:

Q. (Interrupting). Are there any delegates elected in Boston or are they all direct nominations? A. No; in Boston it is all direct nominations.

Q. Then in Boston the joint caucus means direct nominations? A. For the reason that the special law provides that in Boston, the ninth, tenth and eleventh districts, Congressional districts, shall be all direct nominations. That is a special law; has no connection with the primaries whatever. It provides that the third Council district and the ninth Senatorial district shall be all direct nominations. That has no reference to the primary. They meet just the same and they have their delegates to their conventions in other places; but there those are special acts from the primary, which provides for these direct nominations. You will see here it is somewhat involved because there are 118 districts in the Commonwealth out of 235 districts in which direct nominations are had; in many of those districts the primaries are not used.

By Judge KNAPP:

Q. The official ballot you mean is not used? A. The primaries are not adopted in many of those districts for —

Q. I do not understand the distinction between primary as it is described or defined here — “primary shall apply to a caucus of political parties held under the provisions of sections 144 to 160” ? A. Yes.

Q. Primary also applies to a caucus not held under those provisions, does it not? A. No.

Q. Only to that? A. Only to that.

Q. Well, now, in the other districts; you say in 118 districts out of 235 in the State they have a system of direct nominations in this State? A. Yes.

Q. And in the 118 do you include the districts of Boston and these towns which have adopted the joint caucus system? A. Yes, wherever it is applicable. It is not applicable in Essex county; for example, in Swampscott, Nahant or Lynn, there is no direct nominations.

Q. Now can you say how many districts there are in the eleven cities and one town which have accepted the joint caucus provision?

A. What district do you mean, representative, council or senatorial?

Q. The same as you referred to in the 118 out of 235? A. You know I have not separated that.

Q. Can you give us an idea of about how many districts are in these places that have accepted the joint caucus provision?

A. Well, not without figuring it out; because you have got your representative, councilor and senatorial districts, and those — as I tell you this whole question is considerably involved and as you started in with the idea that primaries and direct nominations were the same, were identical, it seems to me that you start wrong.

Q. No, I did not mean to start wrong, and I did not mean to be understood exactly that way. I want to be corrected, of course, if it is —? A. Well, that is all right.

Q. (Continuing) — if I am wrong at any point? A. The fact is that to have your questions answered intelligently why you must separate them, the direct nominations from the primaries distinctly — the broad propositions — and then ask the questions regarding the direct nominations.

Q. Very well; we will try to follow that suggestion. Then you say that out of 235 districts in the State —

Senator McCARREN: Judge, let me make a suggestion: Do we want to go into the question of the primary system at all in our investigation? Isn't it better that we should deal with the direct nominations?

Judge KNAPP: That is just what we are going to do, but the resolution, Senator, covers the entire field of investigation, I think, not only elections but primaries.

SENATOR MCCARREN: I understand in general here, from the testimony so far given by the Secretary of State, that the primary system so far as the election of delegates is concerned is similar to our own in the State of New York. And I understand that also the whole city of Boston is not under the direct primary —

Assemblyman PHILLIPS: Yes, direct nominations, it is.

Judge KNAPP: In Boston.

Senator MCCARREN: The city of Boston.

Judge KNAPP: Yes.

Senator MCCARREN: The whole city?

Judge KNAPP: The whole city.

Senator MEADE: I think the Judge is on the right track now.

By Judge KNAPP:

Q. In the city of Boston I understand that a new charter was obtained at the last Legislature; is that a copy? A. yes.

Q. And for municipal offices the new charter does not provide for direct nominations? A. I believe not; I have not examined it carefully. I have not touched on that.

Q. I am only speaking of that for the purpose of answering Senator McCarren's suggestion that there must be some exception. A. I have dealt only with existing law, and that has not come to us yet.

Q. Now in those districts of 118 to which I have referred, will you explain how the nominations to public office and elective offices are made? A. Well, would you prefer to have the subject taken up in several phases? For example, in the ninth, tenth and eleventh districts, and Third Congressional District they have fourteen direct nominations. In the third council, one out of eight, there is direct nominations. In the senatorial district there are thirteen out of the forty districts. You see the question is considerably involved.

Q. Yes. A. And I will take any one of them you choose. They are similar, of course.

Q. Well, just before you get to that, how does it happen, Mr.

Boynton, that there is this difference. Is this not covered by the general law? — you were going — A. It is a special law. That is just what —

Q. Either by special law or by an act of the people in that locality? A. The direct nominations is all special law.

Q. All special law? A. Yes, sir.

Q. And do I understand you to say there is a difference in the methods pursued in these different districts to which you have referred? A. Regarding —

Q. The nomination to public office? A. Yes, if you take the city of Boston; there you have the primaries — which is involved again. In the First Essex Senatorial district, the newest one we have, the Lynn, Nahant and Swampscott, in those places there are no primaries; no primaries are held. They are rather unofficial caucuses; where the parties meet as party caucuses and appoint their own caucus officers. No connection whatever with the official ballot at all.

By Senator McCARREN:

Q. Where is that, in the city of Boston? A. No, sir; that is in — to explain the difference between the city of Boston —

By Judge KNAPP: No, in Nahant, county of Essex.

By Senator McCARREN:

Q. Well, Mr. Secretary, then the Primary Law, the Direct Primary Law, does not apply to all the city offices? A. No, sir; it only applies to the ninth, tenth and eleventh Congressional districts; the third Councilor district, the first Essex, the first Camden, the third Middlesex, the first Worcester, and the first to the ninth Suffolk senatorial districts. It is represented in general court, in which there are 173 districts; there are 101 in the direct nominations here to-day.

Q. What do you mean by districts, election districts? A. These are called representative districts. Our districts here are made up separately. There are fourteen Congressional districts. There are eight Councilor districts, forty Senatorial districts and 173 Representative districts.

Q. How many Senatorial districts does the Direct Primary Law apply to? A. How many Senatorial?

Q. Yes. A. Thirteen.

Q. Thirteen out of forty? A. Yes, sir.

By Judge KNAPP:

Q. In thirteen districts then the candidates for Senator are nominated by the direct nomination plan? A. Yes, sir.

Q. And is the plan substantially similar in all those thirteen? A. Yes, sir.

Q. Do they use the official ballot, do you know, in all of them? A. No, sir.

Q. And where they do not use the official ballot what is the method? A. The method is to hold an ordinary — what we term an ordinary caucus, at which the party meets by the call of the party committee and elect their own caucus officers and use their — well, any one furnishes ballot if they choose to furnish; there is an arrangement in certain places where the parties supply the ballot which is entirely unofficial. They are not called official ballots because the ballot is not supplied at public expense.

Q. And those ballots contain the names of the candidates for the office? A. Presumably, yes.

Q. And where there are caucuses of the various political parties and all held at the same time, are they -- A. Not held at the same time.

Q. The law prohibits their being held at the same time? A. Yes, sir.

Q. In those cases — except in the case of the joint caucus? A. Yes.

By Assemblyman HOWARD:

Q. Judge, I would like to have you ask what constitutes a party, a political party in this State, as it is known?

The WITNESS: A party which at the last election polled 3 per cent. of the vote cast for Governor.

Assemblyman HOWARD: Three per cent.

Judge KNAPP: Three per cent.; yes.

The WITNESS: Three per cent. At the present time we have

the Republican, the Democratic, and one or two others, I forget which.

By Judge KNAPP:

Q. What do you understand by the so-called Boston act? A. The Boston caucus law?

Q. Yes. A. That was a law passed in 1905 which provided for official ballots to be used at caucuses. That was mandatory in Boston and optional in other places.

Q. That does not have any reference to the joint caucus act? A. Well, it has reference in this way, that the joint law provides that the ballots shall be supplied in that method, in that way.

Q. In the joint caucus act similar ballots are provided, only the caucus is held all at the same time? A. Yes.

Q. And whenever this official ballot is used they may have a caucus separately or the joint caucus if they so elect? A. Yes, there is a paragraph in that Boston caucus law about the primaries, of course, but under the Boston caucus law each of the parties provided for an official ballot, paid for it, but when they are furnished at the public expense then they have the official ballot.

By Senator McCARREN:

Q. Well, Mr. Boynton, what is your general understanding of the definition of the word caucus. In New York State sometimes that gets down to the chairman and the chairman is the caucus? A. Oh. (Laughter.)

Q. And may get to twenty-five. In other words a preponderance of noise will make a caucus? A. Yes.

Q. In which of your caucuses here in Massachusetts do you use ballots? A. Well, you see, Senator, there is quite a tradition on the question; caucuses run back to the early days. In Boston, I presume, that the term caucus would be applied to the meeting of what were termed during the war "Calkers," a definition taken from that. I believe General Grant gave that —

Q. That is the genesis of it? A. But that is only theory. As to what a caucus is under the law, any meeting of a political party duly called, whether there are three or five, there would be a caucus. If it is an unofficial party, that is not a political party, any body

or persons numbering twenty-five or more could meet and organize and they would be termed a caucus.

Q. That would be purely voluntary? A. That would be purely voluntary; yes.

Judge KNAPP: There is a definition, Senator, in the statute, of caucus here which agrees substantially with what Mr. Boynton has said.

The WITNESS: Yes, that gives, only the meeting —

By Senator McCARREN:

Q. What I wanted to get at is this: Did they use ballots at their caucuses, both parties, all parties? A. You mean generally — you are waiving this question about the primaries.

Q. I am speaking to you about primaries? A. The difficulty, sir, that you have now in answering this question is that in New York State you started, as I understand it, to have a general provision which carries with it the furnishing of official ballots throughout the State.

Q. Not at caucuses; do not use ballots at caucuses.

Judge KNAPP: Only at elections.

The WITNESS: Is not that the provision of the present law which you are considering?

Senator McCARREN: We have only passed in New York a primary law applying to the city of New York.

The WITNESS: Yes.

Senator McCARREN: And Buffalo and Rochester.

The WITNESS: I do not mean that, but this hearing comes up on the proposition, I believe, by your Governor, regarding direct nominations; does not that provide for an official ballot throughout the Commonwealth; throughout the State?

Q. Yes. A. That is what I had reference to.

By Judge KNAPP:

Q. You refer to a proposed act? A. Yes, proposed act; I am not speaking of your existing law; I am not familiar with that at all. That, you say, involves the question of official ballots throughout the Commonwealth, which in this State does not apply anywhere.

By Senator McCARREN:

Q. But in all your caucuses, in any portion of the — any political division of the State of Massachusetts, in all your caucuses do you use ballots, or is that a matter of option with the political party? A. All political parties — that is all confined to political parties, they are required to use ballots.

Q. At caucuses? A. Yes. All other parties, where there are twenty-five or more, they can either use ballots or otherwise, at their option.

By Judge KNAPP:

Q. Are they required to use official ballots? A. No.

Q. Political parties are not? A. Not except as we use that term in the Boston caucus law, or as it is phrased now, caucuses at which official ballots are used.

Q. Yes. A. Then they are furnished at the public expense.

Q. And that is done where the people vote upon a question submitted for that purpose, isn't it? A. Yes.

By Assemblyman CONKLIN:

Q. At these joint caucuses is the ballot cast by delegates or by individual electors? A. By individual electors.

The WITNESS: At the joint caucuses?

Judge KNAPP: Yes, at the joint caucuses; that is what he has reference to — I will ask just one or two more questions.

The WITNESS: Mr. Harrington suggests this point now — that in my reply to you regarding the primaries in Boston the question was asked whether any delegates were elected and I understood that I said "Yes, that they were."

Q. Yes. A. Well, now, all the State delegates are elected at these primaries.

By Assemblyman PHILLIPS:

Q. All in Boston? A. Yes, everywhere.

Q. That is where you have direct nominations in Boston the electors do not vote directly for nominees for State officers; is that true? A. That is right.

By Judge KNAPP:

Q. For nominees for State officers? A. Well, the third Council district is governed by direct nomination.

By Assemblyman CONKLIN:

Q. May I ask how it is determined whether the election, or at least these caucuses shall be by direct vote of the electors, or whether it shall be by a vote of the delegates? Is there a certain section of the law? A. That is just the point. I am glad you asked that question.

Q. Yes. A. Because that is what has got us into this controversy, if it is so called. The direct nominations in every case are all special and not general acts; for example they select three out of fourteen Congressional districts and provide that in those districts it shall be all direct nominations.

By Assemblyman PHILLIPS:

Q. Now in those districts they vote directly for the nominee by caucus? A. They vote directly for the nominee in caucus.

Judge KNAPP: Yes.

Q. So that in the city of Boston they do vote directly for the nominees for public offices at these joint caucuses as well as for delegates to conventions? A. As well as for delegates. That is, for these offices which by statute law it is provided they should.

Q. Now the statement has been made that the direct nominations in the State of Massachusetts prevail in districts for Senators and Representatives, in districts that are wholly within the bounds of the city? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. That is not by special act with reference to those localities but by general act? A. By general act.

By Assemblyman CONKLIN:

Q. Without a special act at these caucuses or primaries the election would be of delegates and not of candidates? A. Yes, no more.

By Judge KNAPP:

Q. Except in the case of Representatives and Senators in districts that are wholly within the bounds of the city? A. Yes.

Q. Now the Representative is of the Lower House? A. Representatives only. It has been suggested that we have left out the question of county officers. That also applies; there are no direct nominations for any county officers.

Q. Anywhere in the State? A. Anywhere in the State. The delegates — the election of delegates to the State and county convention is general throughout the Commonwealth; wherever direct nomination is had it is held for certain offices, namely, for three Congressional districts, one Councilor, thirteen Senatorial and 101 Representative districts. All others are by delegates.

Q. Then in those districts the only officers that are voted for directly by the electors are Representatives in Congress, Senator and Councilor? A. And Representatives in General Court.

Q. And Representatives in General Court — corresponding to our Members of Assembly, is it not? A. Only in one Councilor district out of the eight; that is within Boston.

By Senator MCCARREN:

Q. Mr. Boynton, in the Congressional and Senatorial where the direct nominations are voted for do they elect delegates to a convention at the same time? A. At the same time.

Q. Well, that practically means that in the event of delegates disagreeing with the candidates elected at the direct primary they can change it?

Assemblyman PHILLIPS: Oh, no.

The WITNESS: No.

By Senator MEADE:

Q. For some offices there now do they elect delegates to the Congressional convention and Senatorial convention —

Assemblyman PHILLIPS: The real effect of the primary law is to abolish —

Assemblyman HOWARD: They really get two forms of caucus in one.

The WITNESS: We have three or four forms. (Laughter.)

Judge KNAPP: I will come to that, if you will allow me to set it out —

Q. It is only in those cases where there is no direct nomination that delegates to conventions are elected; is that correct? A. Yes.

Q. But in the cases where there are direct nominations there are no delegates to any conventions like that in the provision nominating State officers? A. That is right.

Q. Now are there other ways by which nominations can be made than by the — did I make that clear, Senator?

Senator McCARREN: Yes, I understand it. I judged from what Mr. Boynton said that there was a sort of dual vote; that is the candidates are nominated directly and at the same time delegates are elected to Congressional district conventions, but I see by his explanation that is where there is a direct nomination.

Senator MEADE: That is final.

Senator McCARREN: That is final. There is no reversal of the verdict of the people where the direct nominee is selected by the direct primaries.

The WITNESS: That is right.

By Judge KNAPP:

Q. And he is selected by what kind of a vote, plurality or majority? A. Plurality.

Q. Plurality in each case? A. Yes.

Q. So if there are half a dozen candidates for the same office at a direct primary the person nominated might receive a very small minority of all the votes cast? A. Yes, the person receiving the highest number of votes would be declared the nominee.

By Assemblyman HOWARD:

Q. Let me ask just one question. Is there an opportunity to designate a second choice in this direct primary? A. No, sir.

By Judge KNAPP:

Q. I neglected to ask how these names are placed upon this ticket that is voted at the direct nominations — what shall I call it the direct primary or the direct nomination?

Assemblyman PHILLIP: Direct nomination.

The WITNESS: Those ballots submitted — direct nominations they are called.

By Judge KNAPP:

Q. Now, candidates for public office, their names are placed upon these official ballots where official ballots are used? A. Yes.

Q. Tell us, will you please, how those names come to be placed upon that? A. The parties send in their political parties' nominations, papers are supplied and a certificate over signatures is required.

Q. How many is that, five to a district? A. Well, practically — it depends — of course there are some where it requires more. It depends upon the circumstances of the district.

Q. At least five? A. Yes, at least five.

By Assemblyman PHILLIPS:

Q. How many for Representatives in Congress? A. For Representative in Congress?

Q. How many signers are required to name the ballot? A. Five in each place.

By Judge KNAPP:

Q. In each district, as I understand it? A. In each place; five in each place; isn't it?

Mr. HARRINGTON: That's it.

The WITNESS: The number of signatures required on nomination in Congress is five for each ward, isn't it?

Mr. HARRINGTON: Well, it is made for five for each ward. May be a number of wards —

The WITNESS: Well, that is what you mean; that is practically true.

Judge KNAPP: Well, that is how —

Mr. HARRINGTON: You can get them all out of one ward if you want to.

The WITNESS: That is what you mean.

By Judge KNAPP:

Q. These names have to be the names of the political party to which the candidate belongs? A. Yes.

Q. They have to be acknowledged, I believe? A. Yes, approved by the party committee.

Q. There must also, as I understand it, be an acceptance on the part of the candidate? A. Yes.

Q. Endorsed upon this? A. Upon this paper.

Q. Nomination paper. Now that would permit, of course, as many candidates as may seek the nomination, who can procure the requisite number of names? A. Exactly.

Q. And in what order are they placed upon the official ballot of primaries? A. Well, in the order of filing.

Q. Is that the law now, in the order of filing, or is it alphabetically? A. In the order of filing.

Q. And the man who files first then gets his name at the top? A. Yes.

Q. Of the column, so that in order to make it alphabetically — A. I do not say — I think that that applies generally. I refer to it generally because they have to deal entirely with Boston politics.

Q. Now is there any other way by which a man can get his name upon that paper, upon the ticket for direct nominations caucus? A. No.

Q. Is there any other way that he can be nominated by that caucus for the same office than by this direct primaries? Can it be done by petition? A. Yes; or nomination papers.

By Assemblyman PHILLIPS:

Q. A party nominee? No man can be nominated by his party other than — A. No, not by his party.

By Judge KNAPP:

Q. He would be an independent? A. He would be an independent.

Q. Is there any provision made in the law for the participation of men or voters calling themselves independents in the caucus or primary? A. Not as such.

Q. They must take the ballot of one of the political parties — that is a political party by reason of the fact it has cast three per cent. of the vote for Governor during the past year. A. Three per cent., yes.

Q. So that in that respect, if a man appeared at a caucus and was unwilling to declare his party affiliation he could not be permitted to vote? A. No, sir.

By Assemblyman HOWARD:

Q. Judge ask if there is any provision on the ballot for the writing in of a name that does not appear?

By Judge KNAPP:

Q. Of some name that does not appear upon the official ballot; there is such a provision? A. Yes, sir.

Q. Is there any other method by which a nomination can be made than that of petition, or by the nomination of delegates at a convention, or by direct nomination, or vote of electors at a caucus or primary? A. Or by writing the name in just as I —

Q. By writing the name in? A. Yes.

By Assemblyman PHILLIPS:

Q. That is on the official primary ballot?

By Judge KNAPP:

Q. That is on the official primary ballot? A. Yes.

Q. Suppose a voter who has been recorded as a Democrat at the primary of the year previous appears and asks for a Republican ballot; is there any way by which he can be permitted to get that ballot?

Senator MCCARREN: Suppose he has been recorded as a Democrat.

By Judge KNAPP:

Q. Suppose he is recorded for the twelve months of the year previous at the primary, is there any way by which he can procure another party ballot?

Senator MCCARREN: Recorded as what?

By Judge KNAPP:

Q. Simply by way of illustration: as a Democrat, at the caucus of the year previous, can you get a Republican ticket in any way? A. Well, he might by force. I don't know about that.

Q. No, I am not asking that; isn't there some provision of the law by which he can make them take his oath to the effect that a mistake is made of some kind in his registration? A. Well, I

wouldn't say about that because I am not familiar with the application.

By Assemblyman PHILLIPS:

Q. Where does the ninety day rule apply? A. That is exactly what I am touching on, the ninety day rule. Of course there are other ways; there is a provision of going to the courts, and other methods which are rather involved. I do not care to touch on that.

By Judge KNAPP:

Q. Isn't there some method by which a man can take an oath to the effect that there has been a mistake made? A. Yes, I think so.

Q. Under section 156 — I think is the provision — I will just call your attention to that? A. Yes.

Q. 156. "No voter"—I will read this for the Committee as I have it here; this provision by which he may get a party ticket of another party than the one that he voted the previous year, having changed by this declaration ninety days previous—"No voter who denies the accuracy of his enrollment may deposit his ballot until he takes the following oath, which shall be administered to him by the presiding officer of the primary:

"You do solemnly swear, or affirm, that you are a registered voter in this ward (or town) and have the legal right to vote in this primary, and that you are a member of the (blank) party participating in the same and are incorrectly enrolled as a member of the (blank) political party."

Q. So that he may, without the formality of having changed his statement ninety days previous to taking that oath, obtain any ticket he pleases; is that correct? A. Yes.

By Assemblyman SCOTT:

Q. Do I understand correctly that this limitation applies to the time of the same calendar year, or one year from the caucus? A. I presume within the same calendar year.

Q. Well, is it the same calendar year or is it a year from the caucus? A. Well, it means — the intent of the law is within the same calendar year, so that the time expires —

Q. In other words, if he voted for the Republican caucus in the year 1908, and the year 1909 he could get a Democratic ticket?

A. Yes.

Judge KNAPP: No, no.

The WITNESS: No.

Judge KNAPP: Not unless ninety days before —

Assemblyman SCOTT: That is what I want to get at, Mr. Secretary. He said calendar year and then he said one year.

The WITNESS: I said twelve months.

Mr. HARRINGTON: You can't change that within twelve months.

By Assemblyman PHILLIPS:

Q. Suppose a man votes on the first day of September, 1908, and we will say he enrolls as a Republican. Now on the 2d day of September, 1909, he could vote for any party ticket, couldn't he?

A. Yes; I said calendar, I think; I meant to have said the twelve months; it means the twelve calendar months.

Q. Well, your primary days; are they fixed? A. The time for holding the primaries?

Q. Yes. A. Yes.

Q. So they are the same each year? A. Yes sir; well, the same day — at least the fifth Tuesday preceding the State election every year — it is so many days — the fifth Tuesday, I think it is; or the sixth Tuesday.

By Senator MCCARREN:

Q. Well, it practically amounts to this: That a man is a Democrat, or a man may be a Republican, but the year previous he registered as a Democrat, unless some fellow appears on the ticket for whom he cares to change his politics; that is practically what it amounts to? A. I couldn't say as to that.

Q. That is, he can swear — I am speaking about the practical effect — that he can swear that he wants to vote the Republican ticket, if some fellow puts his name on the ballot as a Republican nominee, he can change his politics the day before the primary?

Judge KNAPP: Well, I promised the Secretary that we wouldn't ask his opinion.

Senator McCARREN: I am merely speaking about the law, as you have read the law.

Judge KNAPP: He can do it by taking this oath.

Senator McCARREN: Yes.

Judge KNAPP: Oh, he can do it ninety days previous to filing it.

Senator McCARREN: He can do it by swearing that he wants to vote — that he is of that party.

Judge KNAPP: No, he has to swear he was incorrectly enrolled the year before.

The WITNESS: Incorrectly enrolled.

Judge KNAPP: Yes.

Senator McCARREN: Well, that is the same thing. (Laughter.)

By Judge KNAPP:

Q. He swears that the inspectors, as we call them, the election officers, made a mistake; that is all there is to it.

The WITNESS: I desire to make an explanation as to the order in which these names — the question was as to how they should be placed upon the official ballot. I stated that they were put in in the order of filing; that relates to delegates. The candidates for elective office in all cases, for the same office, they are arranged alphabetically.

By Senator McCARREN:

Q. State officers? A. Yes; for all offices; but State offices, you understand, that involves another question.

Q. The State officers are elected by a convention; they are elected by convention? A. Yes; delegates.

Q. But in the matter of Congressional and Senatorial nominees, are they filed politically, alphabetically or in their order of filing? A. Well, where the direct nominations are held?

Q. That is what I am speaking of. A. Yes — they are arranged alphabetically except where — in every case except where delegates are —

Q. Have you an emblem in this State? A. No, sir.

Q. No emblem? A. No emblem.

By Judge KNAPP:

Q. I will ask that, upon these tickets for a set of delegates, is there any method by which a voter can express his choice of the entire set of delegates? A. Yes, by putting a cross in the circle.

Q. In the circle at the top? A. Yes, sir.

Q. Is there any method of distinguishing from whom those delegates are elected? A. The law provides that they may — it may state that they are “favorable to.”

Q. Favorable to, or pledged to? A. Yes.

Q. A certain party? A. Yes.

Q. And that description has to be in not more than eight words, if I remember rightly? A. Yes.

Q. If a person desires, in voting for delegates, to vote for a portion only of those who are preferable to John Doe, by way of illustration, how would he do that? A. He would write the names in the spaces provided.

Q. Well, suppose there are contesting delegations. Suppose he puts a mark in the circle and then puts a mark opposite the name of a contesting delegate, what effect does that have upon the ballot? A. Well, if it is to be a heavy — favorable to a person, why that would have no bearing upon it; the person would be elected just the same.

Q. Wouldn't it vitiate the ballot? A. I don't think so.

Q. If the mark was put in the circle and then opposite the name — put in the circle above one delegation and then opposite the name of a contesting delegation? A. Oh, yes; oh, yes, I didn't understand your question.

By Judge KNAPP:

Q. The method is directly opposite from our system, as your honors remember, of course, that putting a mark in the circle and then if you wanted to vote for some one from the other ticket, by putting a voting mark in the space opposite his name; that votes for the set of names and the one opposite whose name the voting mark is; but in this State it is just the other way.

The WITNESS: It vitiates the ballot.

Q. So that if you wish to vote for members of different delegations you must put a mark opposite each name of the members you desire to vote for? A. Yes.

Q. And if you vote for more than the number of delegates you vitiate the ticket? A. The entire ticket; yes.

By Senator McCARREN :

Q. That applies to primaries or general elections?

Judge KNAPP: Both.

The WITNESS: Both.

Q. Mr. Boynton, what legislation, during the last Legislature, was there upon this subject; what legislation was passed? A. On direct nominations?

Q. On direct nominations? A. Only one act, which was to provide for the First Essex Senatorial district, including part of Lynn and the towns of Nahant and Swampscott.

Q. That is the only one of all the bills that was passed? A. That was introduced.

Q. Do you remember whether that received the signature of the Governor? A. It did not.

Q. Is there any record of a vote having been taken upon that law? A. Not to my knowledge.

Q. So that it passed through without the formality of a vote and without the signature of the Governor? A. Without the signature of the Governor; I don't know what action was taken in the Legislature, whether or not —

By Assemblyman CONKLIN :

Q. The only way in which a locality, or any political division, can get direct nominations is by making its wants known to the Legislature through its Representatives, and through a special act? A. Except again, as I stated, the general provision of law for Representatives in General Court in every case where it is within the city absolutely, or within a town, then it is direct nomination by general law. Otherwise it requires a special act to accomplish it.

By Judge KNAPP :

Q. Well that is presented to the Legislature upon petition, is it? A. Upon petition.

Q. And then acted upon in the Legislature and referred and passed, I suppose, in the general way? A. In the general way.

Q. I have here the record (producing record), kindly furnished me by your office, of bills that were introduced last year upon the

subject of direct primaries. Will you kindly see how many there were of those bills that were introduced in this Legislature? (To the Committee.) The Committee, of course, understand that Mr. Boynton is here for the purpose of furnishing us with such information as their office can give us and not for the purpose of expressing opinions in any way as to effect of the statute.

Q. These are bills that were introduced (indicating)? A. Yes; but I wouldn't say they were all that were introduced. I find fourteen there (indicating).

Q. That at least went as far as printing?

Mr. GAY: The record is right down here (ind. book). That record is of bills that were introduced.

Judge KNAPP: How did those happen to be printed if they were not introduced.

The WITNESS: Your secretary counted them. I find fourteen here. Several of them were taken together.

Mr. GAY: I think they were entered separately.

Judge KNAPP: There are eight on this record.

The WITNESS: I find fourteen here (indicating).

Mr. GAY: You haven't got the last record; that is only a partial record. This is the complete record (ind.).

Judge KNAPP: Well, how many does that make there?

Mr. GAY: He is counting them.

Judge KNAPP: While we are looking at that, Mr. Boynton, I want to ask again of the Committee.

Mr. HARRINGTON: Sixteen.

By Judge KNAPP:

Q. Can you state how long any system of direct nominations has been in vogue in the State of Massachusetts? (A.) The Witness: Well, Mr. Gay, will you help me by stating when Boston —

Mr. GAY: This form covers Boston. The first direct nominations were for Representatives of Suffolk district.

The WITNESS: He wants the very first

Mr. GAY: 1905, I believe, was the Boston Caucus Act; that was the act in which —

Mr. HARRINGTON: 1901.

Judge KNAPP: 1901.

Mr. GAY: That is the first direct nomination. The Suffolk Senatorial district.

By Judge KNAPP:

Q. Now referring again to the 1901 First Senatorial district, in Suffolk, I think you said? A. Yes.

Q. Direct nominations, that plan was used in the Suffolk district?

Mr. GAY: Suffolk Senatorial district.

Judge KNAPP: Senatorial district, in 1901, the first that was used in this State.

Mr. GAY: Those were compact districts.

Judge KNAPP: Referring to the bills that were introduced in the Legislature last winter, you find how many?

The WITNESS: I found fourteen.

By Judge KNAPP:

Q. Fourteen of these bulletins here (indicating)? The bulletin of each hearing, and so forth, shows how many? A. Sixteen.

Q. And one of those bills only, I understand it, became a law? A. One of them became a law.

By Assemblyman HOWARD:

Q. And that became a law without the signature of the Governor? A. Yes.

By Judge KNAPP:

Q. Now was there a bill among those, which you can refer to, that provided generally for the election of all Senators and Representatives throughout the State by direct nomination? A. I think there was.

Q. Can you refer to which bill that was here?

Mr. HARRINGTON: Probably I can find it for you, sir.

The WITNESS: There were two or three of them.

Judge KNAPP: I am going to have Mr. Garcelon here, the Chairman of the Election Committee.

The WITNESS: Yes.

Mr. GAY: One on direct nomination for State offices.

Mr. HARRINGTON: I think there were two separate bills.

The WITNESS: Yes; that is, on State offices; and then there is another for the Senators and Representatives.

Mr. HARRINGTON: Senators and Representatives.

Mr. GAY: The last part of that shows exactly what was done with each and every one of those items, Judge.

Judge KNAPP: Yes.

Q. Now you said you could get a copy? A. Yes. I said if you would specify what ones you wanted.

Q. I want them all. A. You don't want all of these election laws? Every one of the election laws?

Q. Yes — sixteen bills, the ones that were passed and the —

The WITNESS: Do you want more than one copy?

Judge KNAPP: No, I think one copy will do. I will ask now to file as part of the record the sixteen bills that were introduced last winter, one of which became a law — that relating to Essex county only.

Assemblyman PHILLIPS: That is Exhibit 3.

Senator MCCARREN: What was that, senatorial?

Judge KNAPP: That was senatorial. Are there other questions that members of the Committee desire to ask Mr. Boynton?

By Mr. PHILLIPS:

Q. Before Mr. Boynton leaves, I would like to put a question for my personal information. Now, as I understand you, Mr. Boynton, out of 173 Representative districts — I understand those were members of your lower house of the Legislature — out of 173 there are 101 districts in which the candidates are nominated directly by the people; is that right? A. Yes.

Q. So-called direct nominations. How many of those districts are situated in the city of Boston? A. Relating to the county of Suffolk?

Q. Well, say the county of Suffolk? A. The county of Suffolk would be better. There are twenty-six.

Q. Well, out of forty Senatorial districts there are thirteen Senatorial districts in which the nomination for State Senators are chosen directly by the people? A. Thirteen.

Q. Is that right? A. Yes.

Q. And I assume that includes all of the Senatorial districts within the county of Suffolk? A. Yes, including the nine that are in the county of Suffolk.

Q. So there would be four outside? A. There would be four outside.

Q. Now, how many Congressional districts are in this State — fourteen? A. Fourteen.

Q. And three have direct nominations? A. Yes.

Q. And all of the Congressional districts included within the county of Suffolk have direct nominations, do they? A. Yes.

Q. Now are the candidates for city offices, the mayor and aldermen, and whatever your other city officers are within the city of Boston, are they nominated directly by the people? A. I should prefer that that question would be answered by a member of the Board of Election Commissioners; that is entirely a municipal matter.

Mr. PHILLIPS: All right.

By Assemblyman CONKLIN:

Q. May I ask once more how large — in just what political divisions, cities or otherwise — is the matter of direct nominations dealt with by general act as distinguished from special act? A. The State is divided into — take the Representatives districts entirely, there are 173 according to the tabulation. They may be entirely within a city; there may be three or four within a city; there may be two wards of a city and one or two towns outside; so that it does not geographically cover just that city; it covers may be a city and a ward outside of a city, or a town, or two towns out of the city, so you cannot —

Q. I am not entirely clear as to what is required by the general act in respect to direct nominations and what by special act? A. The general act provides for Representatives in the General Court, and all municipal officers within the city are to be by direct nominations.

Q. May or shall be? A. Shall be.

Q. Shall be? A. Shall be.

By Judge KNAPP:

Q. Do you mean that to cover the whole State? A. Yes.

Q. Representatives in the General Court throughout the State?

A. Representatives in the General Court throughout the Commonwealth.

By Assemblyman CONKLIN:

Q. Throughout the entire State? A. Yes.

Q. That covers places in which there are joint primaries and places in which there are not joint primaries? A. Yes, yes. That is exactly the reason why I could not separate them. It provides that in the city of Boston — for example, in the city of Boston there are committees; there are single wards in every case except one, I think. Those are of necessity by direct nomination because they are caucuses held there; it is a unit; they have no power to delegate the thing because they nominate directly right there. That is because it is one caucus within the ward. Of course the delegate system generally is so as to get the action of two or more distinct places together without getting the people through the delegate system. Now you take the first Essex district, for example; that takes two wards of Lynn and the town of Nahant — but Swampscott, there it is direct nominations.

Q. Do I understand that direct nominations are compulsory in respect to the Representatives of the General Court? A. No, within those districts, within any single town or two or more wards of a city.

By Judge KNAPP:

Q. So that your answer of a moment ago was to the effect that direct nominations for Representatives of the General Court was required throughout the Commonwealth; that is not strictly correct, is it? Doesn't it apply simply to those cities in which districts — in which the districts are wholly within the bounds of a city? A. Wholly within the bounds of a city or town; I think that is exactly what I stated.

By Senator McCARREN:

Q. Wholly within the boundaries of a city or town? A. Only within the boundaries of a city or town. I specified Essex to show

that, by special act, included two other places; that is my purpose in citing Essex.

By Assemblyman CONKLIN:

Q. That is, you mean that direct nominations are compulsory in respect to Representatives located in the districts wholly within a city or town? A. Wholly within a city or town.

By Judge KNAPP:

Q. Then it does not cover the entire Commonwealth, does it? A. Yes.

Q. So then you say direct nominations is enforced for all Representatives? A. Section 166 provides that "The candidates of all political parties for the office of Representative in Congress in the ninth, tenth and eleventh districts, councillor in districts composed wholly of Suffolk Senatorial districts"—it is only one—"senator in the Suffolk district"—which is nine—the First Essex Senator, the First Hampton Senator, the Third Middlesex Senator, the First Worcester Senator—"Representative in the General Court and for elective city offices to be voted for in two or more wards"—of a city shall be "by direct plurality vote in caucuses or primaries."

Q. Well, Mr. Boynton, what is that act (ind.)? Go on to specify certain districts; if it is to cover the entire State, the entire State and Representatives in all the State? A. Why, because these are compact districts within the city and it is possible there to have return of votes made up by the city clerk of that city, or by the registered voters of that city, or by the town registrars of voters of the town—say Greenfield, for example, just as a citation as one district, and there it is direct nominations.

Senator MEADE: Judge, he means it will simply apply with close districts.

The WITNESS: Yes.

By Judge KNAPP:

Q. Did I understand you to say, Mr. Boynton, a moment ago, that direct nominations were compulsory for all the Representatives in all the districts in the entire Commonwealth? A. You misunderstood me.

Q. Then I have been misled. I thought that is what you said.

By Assemblyman PHILLIPS:

Q. Is it compulsory in these 101 districts? A. In the 101 districts?

Q. Yes. A. Yes.

Q. Now that is it — is compulsory in 101 districts out of 173 districts in the State? A. That is right.

By Judge KNAPP:

Q. Now you did not say how long that condition existed? A. That was passed in, I think, 1903. Somebody here may tell you. I have not the citation here.

Q. And that has been the law since that time? A. That has been the law since that time.

Q. For Representatives? A. I shall have to look it up to say just when it was.

Q. Now that does not then depend upon whether the people of any particular district adopt by vote; it is compulsory anyway? A. That is compulsory.

Q. They may adopt by vote, by ballot, direct nominations for other offices in those districts, may they? A. No.

Q. In other districts and not in those? A. If you will just show that to the Committee; there are the Representative districts (ind.).

By Assemblyman PHILLIPS:

Q. Now, there are 173 districts. One hundred and one districts are compulsory; that would leave seventy-two districts. Now can those seventy-two districts adopt this direct nomination plan voluntarily if they want to? A. No, sir.

Mr. GAY: Got to go to the Legislature?

Judge KNAPP: They have to go to the Legislature for a special act, I understand.

Q. That is for Representatives? A. For Representatives or for any other office.

By Mr. SCOTT:

Q. Can you tell me how many Representatives they have in the county of Suffolk; the city of Boston, twenty-six districts? A. How

many Representatives in the twenty-six wards? There are two for each ward. How many are there? Fifty-three.

Mr. HARRINGTON: Fifty-three?

The WITNESS: Twenty-six wards and three in two.

By Judge KNAPP:

Q. Fifty-three or — A. Fifty-one.

Mr. HARRINGTON: There are twenty-six districts and there are three from three districts.

The WITNESS: Yes.

Judge KNAPP: Fifty-five in Suffolk county.

Mr. HARRINGTON: In Suffolk county.

Q. And that fifty-five is a part of 101, isn't it, Mr. Boynton? Fifty-five Representatives from Suffolk county, I understand?

A. Yes, if that is correct.

Q. And the fifty-five is a part of 101 districts?

Mr. HARRINGTON: No, twenty-six.

Judge KNAPP: One hundred and one districts — there are so many Representatives in each district.

By Assemblyman PHILLIPS:

Q. Mr. Boynton, no judicial districts of the State are under the direct nominations law? A. No judicial districts where there are elections.

By Judge KNAPP:

Q. No judicial officers are nominated anyway, are they? All your judicial officers are appointed? A. All appointed.

Q. Of courts of record?

Mr. HARRINGTON: Do you include sheriffs?

Judge KNAPP: No, no; judicial officers.

Mr. GAY: Only of record.

The WITNESS: Appointed by the Governor.

By Judge KNAPP:

Q. This act included the city of Boston and members of the school board, or the committee there, does it? A. No.

Q. How are they selected? A. Wouldn't you best have those questions regarding the city of Boston as directly as that answered by the election commissioners?

Q. Perfectly willing to get information anywhere that it is possible, of course, if it is agreeable — A. That was fifty-four instead of fifty-five.

By Assemblyman CONKLIN:

Q. Has there been any noticeable increase or decrease in the territory affected by direct nominations in the last two or three years? A. Well, in the last year the only increase was the First Essex Senatorial district; last year there were two districts added.

Q. Has any district which, by either your special or general act, in which direct nomination has been made applicable, ever — A. Rescinded?

Q. Ever either rescinded or appealed to the Legislature? A. Not to my knowledge, no.

By Judge KNAPP:

Q. Let me ask you about Worcester: hasn't there been a direct nominations provision in the city of Worcester rescinded? A. Yes — no.

Q. Not for any office there? A. No, sir.

By Assemblyman CONKLIN:

Q. Have you in mind the number of Senators there are from Suffolk county? A. Nine.

Q. Well, in this city, the certificate of these Senators from the city of Boston, in the Secretary of State's office? A. Nine.

Q. Are these Senators elected in the county of Suffolk? A. The Board of Election Commissioners can make the return and canvass the votes cast for each.

Q. And has he a State certificate? A. A State certificate.

Q. Well, you say the primary system was first applied to the county of Suffolk in 1901? A. So I was informed; I can't remember personally the exact date; somewhere about that time.

Q. Seven or eight years ago? A. Yes.

Q. Well, have you in mind the portion prior to the adoption of the Primary Law, of Representatives from the county of Suffolk, of each party; that is, I am speaking now about Democratic and Republican parties? A. No.

Q. Have you no recollection of the number of Republicans that are in Suffolk or the number of Democrats? A. No, sir.

Q. How many small cities or towns are there in the State in which the direct primaries do not apply? A. The direct primaries?

Q. Direct nominations? A. Direct nominations? In regard to local offices?

Q. Yes, for mayor or selectmen, or what ever you call them? A. I have no knowledge of any except the State elections.

Q. Don't know anything at all about the local officers that are elected under direct nominations? A. Well, no, I wouldn't care to touch on the local matters because it might lead up to some question. The general law provides, as I stated, in section 166, that "for Representatives in General Court and for elective State officers to be voted for in two or more wards"—that is every city in the Commonwealth is applicable under the law. Whether primaries are held there or not I would not—I can only state primaries are held in certain places, that is all. But that is the general provisions, that all elective State officers within the State is by direct nomination.

By Senator McCABEN:

Q. Made so by statute? A. By statute.

By Judge KNAPP:

Q. As I understand the act the word primary applies only to the joint caucus? A. That is all.

Q. And it is mandatory in Boston and may be adopted in these other towns—has been adopted in eleven other towns and one city? A. Yes. I will state—

Q. Pardon me just a moment—now when you use the word primary that refers to that, and that has no reference to direct nominations whatever? A. No.

Q. And the word direct primary would be a misnomer? A. In this State, yes. You asked about the number of cities that are under the primary act, the Luce act; there were several other cities — for example, one, two, three, four, five, six, seven, eight, nine, ten, eleven, who voted and revoked afterwards.

Q. Well, now, that is what I want to get at. There are some cities, then, that voted to accept the primary or joint caucus act? A. Yes.

Q. In this State and have since revoked it? A. Yes.

Q. How many of those cities and what are they? A. There was a general law passed in 1903 that at the State election that question should be placed upon the official ballot. It was placed upon the official ballot in all cities and towns of the Commonwealth. In the towns — this is simply an explanation — in the towns throughout the Commonwealth the only official question on the official ballot was that of the license question, which was placed upon the ballot at town elections. I presume it was for that reason that some 149 towns voted to adopt the primaries at the State election; and afterwards came to the Legislature and asked them to revoke that action, which they did, to allow them to vote again; at the second time they voted — there were two towns voted — the town of Middleboro and the town of Groveland; the town of Groveland in 1908 revoked that action. While among the cities there was, as I stated —

Q. Can you mention the names of the cities that revoked the action. A. The city of Brockton revoked, the city of Chicopee, Everitt, Haverhill, Holyoke, Lynn. Medford revoked and reaccepted. Revoked in 1905 and reaccepted in 1906 or 1908. New Bedford revoked; North Adams, Springfield, Taunton and Worcester.

Q. All revoked their previous action in accepting? A. Primaries.

Q. The primary? A. Yes.

Q. The joint caucus act?

By Assemblyman PHILLIPS:

Q. That has no bearing upon the direct nomination question? A. No, sir; none whatever.

Judge KNAPP: That simply has reference to the method of conducting the direct nominations there by joint caucus.

Assemblyman SCOTT: Direct or any other kind of nominations.

By Senator McCARREN:

Q. That is where the system of nominations was made through the delegates in the convention elected at the primary.

Judge KNAPP: No.

Senator McCARREN: Is that right?

Judge KNAPP: If I can explain it — there are plenty of people who can correct me if I am wrong — the word primary has reference only to what is known as the joint caucus and where the political parties vote for delegates or nominees for office at the same time and place.

Senator McCARREN: Now let me understand —

Judge KNAPP: That is mandatory in the city of Boston.

Senator McCARREN: Let me understand you right there. Now you say — that is a fact that I cannot comprehend. You say they vote for delegates and nominees.

Judge KNAPP: For delegates to conventions, nominate certain officers; they caucus for other officers.

Assemblyman PHILLIPS: For local officers?

Judge KNAPP: Yes; at the same time — that is the word, primary.

The WITNESS: We do not use the word primary, in our State in that way, and that is the reason that I have had in my mind as to the definition and that I have used the word.

Senator McCARREN: Now you say by direct nominations, where there are no direct primaries, where there are no joint caucuses —

The WITNESS: Yes.

By Senator McCARREN:

Q. Well, Mr. Boynton, when these political districts that you have just enumerated revoked this joint caucus or primary system, when they revoked that, what system did they return to? A. They went back to the general caucus law which provides that each party should hold their caucus at such time as the party wants.

Q. And any other difference from that? A. Well, there is a general and distinct provision of law regarding the holding of such caucuses.

Q. As to time — it only relates to time? A. No, the conduct; it provides for the conduct.

Judge KNAPP: It doesn't fix the time.

The WITNESS: The caucus law?

Q. Now let me get at that; the general provision of the law does not fix the time for holding the party caucuses? A. Excepting no party caucuses — as confined to caucuses and primaries I have named.

Q. Yes, but it does provide that no two parties can hold their caucuses upon the same day? A. Exactly.

Q. And it provides that a caucus must be held a certain number of days before the election, does it not? A. Well, it in substance provides that there shall be a less time for filing a certificate and that, of course —

Q. So that from that it is concluded that they must file — hold any caucus at all without — A. (int'g) it begins before the time of filing.

Q. Now these caucuses, if I may use the term again, adopt what is known as an official ballot? A. Yes.

Q. I am not referring to joint caucuses. A. No.

Q. If they adopt the official ballot then they vote in the way in which you have described? A. Yes.

Q. Either in the circle or putting their marks opposite the names? A. Yes, sir.

Q. If they do not adopt the official ballot, can they use any form of ballot, or no ballot at all? A. Yes, sir.

Q. Do it by *viva voce* can they not? A. Why no, they are obliged —

Q. Obligated to have some sort of a ballot? A. Some sort of a ballot.

Q. Where they adopt an official ballot the municipality or whatever it may be furnishes it? A. It is supplied by public expense.

Q. And the room, the place, the same, is that right? A. Provided at public expense.

Q. And that is also true in the case of primaries or joint caucuses? A. Exactly.

Q. And the officials the same, the officers that preside at the joint caucuses, and also at the general caucuses where official ballots are used, are paid out of the public purse, are they not? A. Yes, sir.

Q. But in cases where there is no official ballot used parties themselves provide the places and the officers? A. Yes.

Q. That provides — so that you have in this State really the three methods of procuring nominations outside of nominations by petition — one by general caucus act that may be held — that is held by political party at any time and place it may designate, provided it files its certificate in time under law. Another by a caucus of a political party that adopts an official ballot and votes in that method. And another by the joint primary or caucus where the parties must come together at the same time and place and use an official ballot? A. Yes, an official ballot.

Q. And it is only in places where the official ballot has been adopted, except in Boston, that you can have a joint caucus or have a primary? A. The primary carries with it the official ballot.

Q. The primary carries with it the official ballot; that is what I mean? A. Yes.

Q. Now the so-called joint caucus or primary is what is known as the Luce law, is it not? A. Yes.

Q. That is L-u-c-e? A. L-u-c-e.

Q. And that was introduced by Oliver Irving Luce, who was an advocate of the system? A. Yes.

By Senator McCARREN:

Q. Mr. Boynton, you say that the primary carries with it the official ballot? A. Yes, sir.

Q. Well, is there a method of nominations in the State in any of the political divisions where there is no official ballot carried? A. Oh, yes.

Q. That is both parties can adopt their own system of primaries or caucuses for the nomination of the respective officers within the political division? A. They can provide that they have official ballots, or they need not provide.

Q. I am speaking now of where they agree not to have official ballots, say here in the county of Essex; if the people in that county

provide that there shall be no official ballot the Republican party and the Democratic party respectively will announce that their caucuses are to be on different days; as I understand it, they can not have them on the same day? A. No.

Q. They announce they are to have the caucuses on different days. Well, the Republican committee and the Democratic committee respectively, through the chairman or county officers, select the inspectors of the caucus, do they, or do they provide a system of determining the result at the caucus without inspectors, or do you know that? A. In the general caucus the caucus officers are elected right at that caucus.

Q. The caucus officers are elected and the caucus selects its own officers? A. Yes.

Q. That is where there is no official ballot? A. That is where there is no official ballot.

Q. Well, that is the fourth system?

Judge KNAPP: No, that is the first of the three which I have named — the general caucus where the official ballot is not used. That is the caucus of a political party held at such time and place as it itself may determine and is conducted substantially the same as our own caucuses are, except that they vote for candidates for office and for committees as well as for delegates and conventions, if they are to be held for any particular office. The next is where they adopt this official ballot; then it is done at the public expense. And the next is where they adopt the joint caucus provision and there all parties must hold their caucus together and have ballots of different colors, separately. These ballots all go into the same box, I suppose?

The WITNESS: Just the same.

Q. And they are separated according to color? A. According to color.

Q. And the nominations are made for the different parties according to what — plurality votes?

By Senator MCCARREN:

Q. Nothing but an official ballot can be voted at these joint caucuses? A. No.

Assemblyman PHILLIPS: That is, the joint caucus or primary as it is called carries with it the official ballot.

By Senator McCARREN:

Q. He must get his ballot from the election officials when he presents himself to vote? A. Yes.

Judge KNAPP: And declare that fact, asks for the ticket of a particular political party.

By Assemblyman HOWARD:

Q. How does a political party get their names upon the official ballot at the election? A. Well, in two ways; they may hold caucuses at which twenty-five voters, or more voters, are present, which gives them the right to elect delegates to a convention, or to nominate direct if it is a Representative of the General Court, or they may proceed with nomination papers, which requires a certain number of signatures — depends upon the district — two for every 100 votes for Governor.

By Senator McCARREN:

Q. Mr. Boynton, do you remember the highest number of candidates there were on any ballot for any given office since the Primary Law has been in effect — the direct nominations? A. No, I couldn't tell that for the reason that I do not handle the primary ballots at all; those are handled by the city of Boston.

Q. You have no means of knowing the multiplicity of candidates? A. No, I have had several times copies of ballots; I wouldn't attempt to suggest the number of candidates.

By Senator MEADE:

Q. City officials, election officers? A. Yes, sir.

By Judge KNAPP:

Q. Is a report made to you of the expense of candidates — incurred by candidates in procuring a nomination? A. Yes, and also elections.

Q. And also the elections? A. Yes, sir.

Q. You have those reports, have you? A. Yes, I have and I ask if —

Q. Are the amounts separated? A. For different purposes.

Q. No, I mean do you have the report of an unsuccessful candidate — of their expense? A. No, no.

Q. It is only those that are successful? A. They all make returns. The law requires that all candidates for election shall make returns, yes.

Q. The candidates for election and the candidates for nomination — do they have returns? A. Yes, and candidates for nomination also. We had last year — there were in the vicinity of 1,000 nominations and for the purposes of nomination there were 164 statements of payment; for elections there were 332; for nominations the total return was \$38,203.52, and for elections \$51,403.23, which was a total for both nominations and elections throughout the Commonwealth, with a thousand candidates, about \$89,606.75.

Q. Are those sworn statements that are filed with you? A. Well, those are supposed to be sworn statements, yes.

Q. Well, are they?

By Senator McCARREN:

Q. How many candidates? A. Practically a thousand.

Q. A thousand candidates? A. Yes.

By Judge KNAPP:

Q. That is an average of about \$89? A. \$89, yes.

By Assemblyman SCOTT:

Q. Does that sworn statement include contributions to State Committees? A. Under the law of this Commonwealth they are not allowed to make any payments except for personal expenses or to a political committee. These payments are payments to political parties. Of course there are many cases where they are ignorant of the law and they will make expenditures of money for cigars and carriages, but this includes everything of the kind.

Q. They are not allowed to spend money for cigars in this State, are they? A. No. (Laughter).

By Senator MEADE:

Q. That simply covers the local candidates? A. That covers the candidates for State offices throughout the Commonwealth.

Q. Just the State officers? A. For State offices. Yes, that includes, of course, the county officers as well in this State. There are — and these State officers, the Governor, the Lieutenant-Governor, the Secretary, Treasurer, Auditor and Attorney-General; then there are councillors, Senators, Representatives in General Court, county commissioners and county treasurers, and clerks of court according to the year. And they are all termed State officers. Wherever they are voted for at State elections.

By Judge KNAPP:

Q. That does not include the city officers? A. No, sir.

Q. So you have no record — A. No record of the municipal at all.

Q. Expenditures in the city of Boston? A. Those returns are made directly to the city officers.

Q. May I ask if those returns are made, if there is a detailed statement, or are the returns general? A. In each individual case?

Q. Yes. A. They are usually detailed. We request them, if not they are sent to the Attorney-General, and he generally requires it.

Q. That is the specific object for which the expenditure was made? A. Yes.

Q. May I ask if he may separate with regard to contributions to the different political committees? A. Yes.

Q. Not general expenses? A. The law does not allow any general expenses. Of course, in addition to those there are what are termed personal expenses. Personal expenses are for those expenses incurred particularly by a person for carriage hire and cigars, if you will — would be in what are called personal expenses.

Q. Those are all reported? A. Oh, when you ask me to get the account — I did not know of such charge.

Q. Those are all reported? A. Those are all reported. Also for the transmission of any letter or circular except those which are published in newspapers at regular intervals, or any publication, then they have to make a return of it.

By Senator MEADE:

Q. Does that statement cover also contributions to county committees or things of that kind? A. Yes, sir; all committees.

Q. Well, by outside parties or just candidates? A. The Election Law provides that all persons who make contributions are required to make returns, so I presume that these returns are all covered in that law. Of course, I could not state that every person who —

Q. Are these county committees required to file a statement of the moneys they receive from everybody? A. Yes; all committees are required to do that. This deals entirely with the individual receipts. It does not deal with cases of public or political committees. I had not touched on that at all.

Q. The statement made don't cover that? A. This covers the individual perhaps.

By Senator McCARREN:

Q. And he can go as far as he likes in personal expenses? A. No, it is very clearly defined what he may do.

Q. Well, I understand you to say that there is no statement filed as to his personal expenses? A. No, but you also stated that he can go as far as he likes in his personal expenses.

Q. If he files no statement? A. If he goes beyond what the personal expenses are defined he will be required to make a statement, or else he will be prosecuted.

Q. Is he limited in his personal expenses? A. Yes, sir.

Q. How much? A. Not in amount, sir, but in purpose.

By Assemblyman Phillips:

Q. The objects for which he makes expenses? A. That way.

By Judge KNAPP:

Q. Is there any legal size for the ballot that is used at the primary — for the official ballot used at the primary caucus? A. Yes, the same provision applies to the regular official ballot.

Q. What is that, do you know? A. Eighteen inches, but I forget — I can't tell you. I won't take time more on this — you wanted to finish that question, on direct nomination with regard to the word personal expenses as used in this chapter — “shall include only expenses directly incurred and paid by a person for traveling and for purposes properly incidental to traveling; for writing, printing and preparing for transmission any letter, cir-

cular, or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery or postage; for telegraph, telephone and public messenger service; and for other similar personal purposes."

Q. He is not limited in that? A. Only to that "similar."

By Judge KNAPP:

Q. To the similar? A. It depends upon elasticity of a man's conscience as to what the word "similar" means.

Q. There is no limit then as to what a man can pay a regular public newspaper for advertising? A. It definitely provides that he can not pay to any publications issued at regular intervals.

Q. Not over his own name, but can't he pay over somebody's else name and have it paid over some one else's name? A. Well, I couldn't say that.

Q. I was thinking there was some provision of the law on that, some way. A. The ballot may be as wide as is necessary.

Mr. HARRINGTON: There is no limit as to the size of the ballot.

Judge KNAPP: Are there any other questions?

Senator MEADE: No, I think not.

Judge KNAPP: I want to express, on behalf of the Committee, the thanks of the Committee to the Secretary and to Mr. Boynton for their very great kindness in this matter.

Mr. BOYNTON: Thank you.

WILLIAM F. GARCELON:

By Judge KNAPP:

Q. You reside in the city of Boston? A. I live in Newton, seven miles out.

Q. That is not a part of the corporation called Boston? A. It is a separate city.

Q. Separate municipal officers and so forth? A. Yes, sir.

Q. What is your occupation? A. I am a lawyer.

Q. Are you a member of the Legislature of this State? A. Yes.

Q. Of the House of Representatives, as it is called? A. Yes.

Q. That corresponds to our member of Assembly? A. Yes.

Q. And are you connected with the Committee on Elections?

A. I was chairman of the Committee on Election Laws last year and the year before.

Q. How long have you been a member of the Legislature?

A. Twenty years.

Q. Have you any other present occupation? (Laughter.)

A. Do you wish to ask me if I am a politician?

Q. No, no. You are connected in some way with the Alumni Athletic Association? A. Graduate chairman of the Harvard Athletic Association — general charge of the athletics there under the Committee on Regulation of Athletics.

Q. You were in attendance upon the sessions of the Legislature at the last session? A. I think I missed one day.

Q. That session continued from what time until what time?

A. Oh, the fifth of January to the nineteenth of June.

Q. Of this year? A. Yes.

Q. So you are just about free from that business? A. Yes.

Q. Did your committee have charge of the bills relating to elections that were introduced in the Legislature? A. Changes under the Election Law, yes.

Q. I understand from the record here that there were 16, I think — (where is that last record) — that there were 16 relative changes under the laws of this State that is, relating to changes affecting the primaries or caucuses? A. I think there were more than that. I think that of the forty-six matters probably twenty or twenty-five relate to some changes in the method of election and nomination.

Q. And how many of those became law? A. I believe that one —

Q. Is that the one relating to the county of Essex? A. That is the one relating to the Senatorial district; a Senatorial district in the county of Essex, parts of the city as well as Swampscott and the town of Nahant.

Q. The others had been voted upon in the Legislature?

A. Quite unanimously, especially one relating to direct nominations in all the districts — for Senator and Representative. Some of them were referred to the Committee on Metropolitan Affairs because it was claimed by the chairman of that committee that they affected the new charter bill for the city of Boston; and we were very glad indeed to have them turned over to that committee.

Q. What committee did you call that — the Metropolitan?
 A. The Committee on Metropolitan Affairs, which reported upon the charter for the city of Boston; and they were going into the question of methods of election and the methods of nominations in the city.

Q. That is the committee that deals with city affairs? A. That is the committee that deals with the affairs of the Metropolitan district. The eastern end of the State, or a large part of it, comprises the Metropolitan district for purposes of general water privileges and all that sort of thing — Metropolitan sewerage.

Q. While we are on that subject, Mr. Garcelon, I want to get what portion — how many of those cities and towns are included within this Metropolitan district? A. I wouldn't dare to say off-hand. It includes all practically of those within ten miles.

Q. And your city of Newton is included there? A. Yes.

Q. And this committee, you say, was a committee appointed by whom? A. By the Speaker.

Q. Of the House? A. Yes.

Q. And who were the members of that committee? A. The Metropolitan Affairs?

Q. Yes, the committee that had charge of the charter for Boston and so forth? A. Senator Crosby was chairman on the part of the Senate.

Q. I am referring to a committee I have had in mind — was there a finance committee or a committee upon the charter?
 A. That was a Finance Commission which had been appointed to study the affairs of Boston. That Finance Commission made a report, or that report was made to the Governor, as I understand it, and the Governor referred it to the Legislature. The report was then referred to the Committee on Metropolitan Affairs, who undertook the duty or the task of making a new charter for the city of Boston and they included many election matters; so those were shunted to it.

Q. One moment — by whom was that committee, the Finance Commission, appointed? A. I think by the Governor, if I remember rightly — mayor of the city of Boston.

Q. Can you give the names of that committee, or of any of them? A. Why Nathan Matthews was a member and John A.

Sullivan, George A. Owens, John B. Moors, Mr. Kennedy and George B. Cochrane.

Q. Were they all appointed from one political party? A. No, Matthews and Sullivan were Democrats and Mr. Moors is, I believe, a Democrat — they represented different lines of business rather than parties. There were three Democrats and three Republicans.

Mr. HARRINGTON: Representing the commercial organizations.

By Judge KNAPP:

Q. They represented different commercial organizations, did they, in a sense? A. Yes.

Q. What different commercial organizations — I am not going to get very far, Senator — I want to use this as a preliminary to something else. A. I cannot say anything as to that. I think there are men here from the city of Boston who could.

Q. This was, you say, reported to the Governor? A. I believe the committee reported to the Governor. I won't say definitely about that; maybe reported to the mayor.

Q. But the report did come to the Legislature, did it? A. The report came to the Legislature for action.

Q. And then was referred to this Committee upon Metropolitan Affairs? A. You may have me confused on that. I am not certain that that report came to the Legislature officially, but it was in the hands of the Legislature and they based their action, which they took, upon the question of the new charter in the city of Boston largely on the recommendations of the Finance Commission.

Q. And was the new charter for the city of Boston adopted by that Legislature? A. Yes.

Mr. HARRINGTON: No, two charters were offered for the city of Boston.

The WITNESS: A new charter was granted to the city of Boston — there are two plans of political activity under it.

By Judge KNAPP:

Q. Yes, and the new charter committee we are discussing offered a bill for the new charter, and it was actually passed by the Legislature? A. It was.

Q. And signed by the Governor, was it? A. Yes.

Q. And became a law? A. Yes.

Q. That bill provides for two referendums? A. Two methods of election and a referendum to the people as to which one they will adopt.

Q. So that the people have yet to vote upon the method of election in this city? A. Yes. Neither of them, however, include the direct primary.

Q. Or the direct nominations, you mean? A. Direct nomination system.

Q. Now what are those two — I will have a copy of that bill a little later? A. I won't give them offhand as to what it relates to.

Q. Is one upon petition of five thousand voters? A. One is upon petition of voters or names on the ballot.

Q. And is the other a delegate convention plan substantially? A. Yes, sir.

Q. So that the new charter of the city of Boston did away with the direct nominations for officers in the city of Boston; is that correct? A. Yes, at municipal elections.

Q. I mean municipal officers, of course, at municipal elections.

By Senator McCARREN:

Q. What officers do you refer to when you say a petition of 5,000? A. Any of the city officers here in the city.

By Judge KNAPP:

Q. That would not cover aldermen, would it, as many as that — in the next election —

Mr. HARRINGTON: Three of them can run on one petition.

By Assemblyman PHILLIPS:

Q. May I ask a question right here? Do I understand that if the people at this referendum election adopt the petition plan, that they would adopt party nominations by conventions? A. Yes; no party designations, I believe.

By Senator MEADE:

Q. Mr. Garcelon, will you explain to the committee a little more fully what that second referendum plan is? A. You mean in reference to the convention?

Q. No, the other? A. I won't attempt to offhand; although we have that here, I believe, in some form.

By Judge KNAPP:

Q. I will have a copy of the new charter. I want, just in a general way, Senator, to get at this with reference to the action of the Legislature.

Senator MEADE: All right.

The WITNESS: I think that will cover it.

By Judge KNAPP:

Q. The charter previously in force in the city of Boston provided for direct nominations under the so-called Luce law, did it? A. For most of the officials; not for the school board.

Q. Well, that included the mayor and aldermen and what other officers? A. The common council.

Q. The school board, however, was excepted? A. Yes.

Q. And why was that excepted, do you know? A. I do not. The matter was before my time.

Q. For some reason or other? A. For good — very good reasons undoubtedly.

Q. That the school board should be excepted from the direct nominations plan? A. Yes.

Q. Well, how were they chosen — by convention? A. By convention.

Q. And delegates elected to convention? A. As I understand it.

Q. You do not live in Boston — well I will get it from another witness then. As a matter of fact, political parties agreed some time upon the members of the school board, did they not? A. They have for several years.

Q. So that that became non-partisan to some extent? A. Very largely.

Q. This State has for a good many years appointed its judges? A. Yes.

Q. So that no judges in courts of record are now nominated and elected by the people? A. No, sir.

Q. Do you know what, in a general way, what the reasoning — what reason is given for that method of selecting judges, peculiarly

the judges and not all other officers? A. Of course, that was a very long time ago, but I have no question it was done because it was desired to remove the judges from any possible political influence and to place a man in such a position that he could exercise his judgment and give his decisions without any possible chance of being influenced by any personal considerations of advantage to himself.

Q. The appointing officer, however, was the result of a political election? A. Yes.

The WITNESS: And it has been frequently the case that the Governor has appointed men of some other political persuasion than himself.

Q. Now going back to the Legislature and your Committee; you say that these direct primaries, or — pardon me, direct nominations — laws were discussed in the last session of the Legislature to some extent? A. Yes.

Q. Among those laws was one introduced that affected the whole State so far as Representatives and Senators were concerned? A. Yes; several introduced; one was specially discussed.

Q. And was it voted upon? A. Yes.

Q. Can you recall substantially what the vote was, for and against? A. On the second reading it was carried by a vote of 47. On the third reading we had — those favoring the bill lost, I think, 39 votes, and those opposing gained 28, so that it was finally — it is a matter which you can easily find out.

Q. The records you can give me of that. I would like to know something about how that was — I guess we will have a copy of the bill.

By Assemblyman PHILLIPS:

Q. Was there a vote in the Senate on this bill? A. No, it did not get to the Senate.

By Judge KNAPP:

Q. It originated in the House — is that the — do you call this the House? A. A bill may be put in through the House. A committee can report it anywhere, and reported it in the House; it originated in a House member.

Q. And was that so with the other bills that you have referred to — the sixteen or forty-one, whatever that may be? A. Most of those. They were very similar and they ran together more or less and all, I believe, except one of those, they were taken care of without much of a fight.

Q. Was this division in voting made upon party lines? A. The Democrats with the exception of perhaps four or five voted for the bill and the majority of the Republicans voted against it, and a very considerable minority of the Republicans voted for it on the first ballot.

Q. That is the second reading you mean? A. Yes.

Q. And at the final vote? A. I haven't analyzed that. (Laughter.)

Q. I am not going to ask you how you voted, Mr. Garcelon (laughter)? A. I would be glad to have you. (Laughter.)

Q. Have you had occasion during your connection with the Legislature and during your residence in Newton as a citizen, to observe the operation of the direct nomination laws that are in vogue in this State, in Newton? A. To some extent. Of course I have studied it as I have gone along and I have tried to see what effect it had upon the elections and upon nominations.

Q. Does the city of Newton have the joint caucus? A. We do.

Q. And you have the direct nominations plan? A. We do.

Q. For all officers? A. Yes.

Q. How long have you had it? A. Why I should say five or six years.

Q. What, taking the result of your observation, is the effect upon party organization; does it in any way tend to destroy it — or — A. (Int'g). It is rather difficult to answer that question as to any one city. The city of Newton is a very strong Republican city; the Democrats have a very weak organization there. The other cities that have — where the parties are more nearly divided, I think it would work very differently. In our city, if anything, I think it has made our party organization, by which I mean the Republican organization, stronger; and I am inclined to think it has made the Democratic organization weaker.

Q. Well, now, is that your observation as to its effect in all places where there is a large discrepancy in the size of the party? A. In my opinion that is so.

Q. Have you observed it in the city of Boston itself? A. Oh, yes.

Q. To what extent? A. Only as to districts that I have known that the Representatives of the city of Boston have taken a hand once in a while for some candidate.

Q. In other words, your view is that the party that has the large majority may be strengthened — its organization may be strengthened by a system of direct nomination and that the party that is in the minority, its organization may be weakened by that same system? A. That certainly has been so in Newton — the direct nominations taken in connection with the joint primary act — because the men who are interested in politics and who are on the committees know when it is time to file their papers, their nomination papers; they know that there is a good deal of work necessary in getting the signatures of the men who are to sign as nominating the candidates and they have it all done in advance. And the other men, who take a casual interest in politics and go around and expect to reform the world in one year or two years, don't know about that; and usually find that they are quite late in getting their organization together.

Q. Are there not a great many so-called Independents in your city of Newton? A. A great many.

Q. Do those people participate in primaries at all? A. They have begun to because we have converted them by putting up good men, and we have converted a great many of them.

Q. That is you mean to the Republican party? A. Yes.

Q. How about the Democratic party; has that converted any to its tenets? A. I don't know now of the particular section. (Laughter.)

Senator McCARREN: The Democrats are trying to?

The WITNESS: (Cont'g.). The largest vote cast particularly, but under the joint primary act, the Democrats — the largest number of votes that the Democratic candidate had — was when they were having pretty hard times in the State two years ago for nomination for Governor — fourteen votes cast for the Democratic delegates in our ward.

Q. That was at a joint caucus? A. That was at a joint caucus. There were 100 Democrats in the ward.

Q. There were 100 Democrats in the ward and fourteen votes cast? A. Yes.

Q. Well, now, is that the largest number that you have had since that system? A. In a caucus.

Q. And what is the usual number in these caucuses — smaller, you mean, I suppose, by that? A. Oh, I have seen the time in the last few years, in the particular ward, where there were only three.

Q. Now, under these circumstances, theoretically the only people that were present in making the nominations were Republicans? A. Yes.

Q. The Independents and Democrats were either voluntarily disfranchised, or disfranchised by the law? A. Sometimes, of course, they — I don't remember that it has been done in Newton — but the Independents have put up a candidate.

Q. By petition? A. That is for a strictly local candidate.

Q. I suppose, Mr. Garcelon, that the object of all primaries and caucus conventions is to secure the best man for that place that he seeks or for which he may be nominated. That is, you understand that to be the object? A. It is one of the objects for which I am in politics.

Q. Outside of questions of party principles that would be the object, would it not? A. Yes.

Q. What is your observation and experience as to the kind — without reference, of course, to any particular individual — whether or not this system secures better men for the positions that have to be filled by general elections? A. In order to answer the question I shall have to go back to the method of election.

Q. Well, you may answer in your own way? A. Control of elections in any manner or in any life, or everywhere (and I do not need to elaborate very much, I know, for a committee of the New York Legislature), but it all depends upon the sustained interest of the people, of the good people of any community, in politics. If it is the fashion to say in a sneering way that they are all politicians why then just as sure as fate there will be bad men nominated. If the good people take an interest in politics and go steadily to the polls and vote for good men, and elect good committees, then there are good candidates. If, on the other hand —

Q. Pardon the interruption just there — may that in your judgment be accomplished by conventions, the nomination of good candidates, the representative plan? A. It certainly can. You can pick flaws in either plan and you can show a great many abuses that have arisen both from the convention system and from the direct nomination system, but in my opinion, up to the present time in Massachusetts, if anything, there are more abuses under the direct primary plan, the direct nomination plan, than under the convention system. I am a firm believer in party responsibility. I think it a mighty good thing to put it right up to a set of men that they are responsible. Under the direct nominations plan I believe that any man who comes along, either with money or with a loud voice, can go out to any community and make a big fight and very likely be nominated for some high office. I believe that under the direct — under the party responsibility, why a party will necessarily, if it steadily meets with the approval of the people, nominate good men. I think it must in order to last for any length of time. I believe that if the people who talk about reforms could be induced to take positions on ward and city and State and county committees, rather than immediately seeking the offices, which apparently carry more honor, I believe that we should find the secret of good government. But just so long as men think that they can get into the political arena and inside of two or three years reform all the conditions that exist and then drop out at the end of two or three years, I believe that it is going to be left to the men who are in politics 365 days in the year. My earnest and firm belief is that it does not make any difference if you have the people, the honest people interested in politics, whether you have the convention system or the direct nominations system. Now the question comes as to whether, if you have — if the people are not interested, not steadily interested — and they won't be, we all know it — which is the better plan? I believe that you get better results by the convention system than you do by the direct primary plan, because dishonest men, men who are willing to spend a good deal of money illegitimately, the men who are demagogues get out and influence the people and spend money in literature and in many other ways and get the nominations. They may have got nobody but a personal responsibility — nothing but

a personal responsibility; the party ties hold him who gets his election, or his nomination, directly to the votes of the people — they have in many instances no effect. I think the Democratic Representatives of the city of Boston are not tied to their party here in the State House — I believe it would be a good deal better if they were.

Q. Mr. Garcelon, these convictions and opinions which you have expressed, these come to you by experience and observation of the working of this system in this State, in and about the city of Boston? A. Yes.

Q. It is claimed on the part of the opponents of the direct nominations system that to secure a nomination it becomes a campaign of personality rather than principle, on the part of the aspirant for office. What is your observation as to that? I mean to high office — we will say the mayor of the city of Boston — becomes a campaign of personality, where personalities are indulged in, where the man becomes a self-seeker and expends his money for the seeking and obtaining of a nomination rather than to make for some principle that may be involved? Is there such a condition that arises under such circumstances in a city like this? A. I can state case after case where men who have not been active in politics have been waited upon by a committee of delegates and asked if they would allow the use of their name and have reluctantly consented and have become among the best officials of the city. Those men never in the world would go into a contest for a nomination under the direct system because they did not seek the office and they are not willing to go out and enter into the vigorous fight that would be necessary to put up to get that vote. There was such a case of the school committee in the city of Boston. I think that almost everybody would agree that of the last two school boards perhaps four of the members, three or four of the members — the board is composed of five I believe — three or four of the members would not have gone into a contest under the direct system. They were nominated by the Republicans, by the Democrats, and by the Public School Association, which I presume had something to do with engineering the nomination of the party conventions.

By Assemblyman CONKLIN:

Q. Do you think that there is any compensating advantage in the uplifting of the body politic; that is, that they are induced to take more of an interest in public affairs and ultimately will thereby become better citizens? A. If I thought so and if I thought it would have any material effect I should be earnestly in favor of direct nominations, but I believe —

Q. If it might not have the result in the selection of purer men, will ultimately, in your opinion, the ultimate result be the uplifting of the body politic? A. I do not believe so; I believe that human nature is about the same everywhere and I believe that if a man who is an efficient political leader and knows all about politics, and the things that influence men and all that goes into a thickly populated district, under the direct nominations system or under any other system, if the people of that district are as well satisfied with how he is handling things they will stand behind him and they will be with him and it won't make any difference whether it is the direct nomination plan or something else.

Q. Will it not induce them — the direct nominations will not induce them to any strenuous mental activity in governmental affairs that they have not exercised before? A. I think they will very likely go and vote perhaps at the polls but I do not believe that they are going to have very much more of a hand in the actual selection of the candidates. Now I believe they are going to act together and they are going to vote by organizations largely, and pay their allegiance to one man and one party and man, and I prefer —

Q. Do more thinking than they ever did before? A. I prefer allegiance to a group of men who are tied to some principles, on paper at least, rather than allegiance to one man who may control his own ward or section.

By Judge KNAPP:

Q. Mr. Garcelon, just upon that point, if I may interrupt you. Is it the experience of Boston and vicinity that men will go to those primaries and vote, a large percentage of the voters, go to the primaries and vote, except upon the special solicitation of the candidate or his friends? Do they voluntarily go because they

take an interest in politics, or is their going the result of special solicitation? A. Well, the voters and all their special solicitation is conducted anyway, if there is any, and that, of course — it does not make any difference whether they go or not, so it is difficult to answer that, I think.

Q. The caucus you referred to in Newton, where there were three Democrats, there was no fight, I suppose? A. I don't think there is —

Q. That voted? A. I don't believe the most of them knew there was a caucus.

Q. In the case of a minority party what do you say as to the desire on the part of a good man to be a candidate where the chances of his election are pretty slim? A. Do you mean as to whether the man would accept the nomination?

Q. Candidates for nomination — as to whether he will accept or consent or stand for the nomination, make a fight to secure it, if his chances of election are slim? A. Sometimes he will. It depends on what may be at stake in the party and whether he is ambitious politically to lead in his own party; but it is very seldom I think that any fight is put up for a nomination where the chances of election are slim.

Q. Mr. Garcelon, could you come in the morning. There is another line — that is the line of expense to candidates and the parties, and so forth — that I wish to examine you on. Would it be convenient for you to come in by 10 o'clock in the morning? A. I have just returned from Maine and I have not looked over my mail. I think I can. I shall be very glad to take up the expense of the system.

JUDGE KNAPP: Before we adjourn to-day, I want to say to the Committee, we will ask Mr. Garcelon — you know Mr. Robert Luce? A. Very well.

Q. Mr. Luce has been a member of the Legislature of this State? A. Yes, sir.

Q. And was there for a number of years? A. Yes; and a candidate for Lieutenant-Governor lately.

Q. And, was a candidate for Lieutenant-Governor last year? A. For the nomination.

Q. And defeated? He was not nominated? A. He was not nominated.

By Senator MEADE:

Q. What party?

By Judge KNAPP:

Q. By what party? A. By the Republican.

Q. By the Republican party? A. Yes.

Q. And Mr. Luce has been a prominent advocate of the direct nomination system for some years, has he not? A. The most prominent in Massachusetts.

Q. And written some things about it? A. Yes, sir.

Q. And is he regarded in the city and in the State as perhaps the most prominent advocate of this system? A. I would say so.

Q. His character is generally known throughout the State? A. Oh, my, yes.

JUDGE KNAPP: I want to say to the Committee that I came as you know, several days ago, and endeavored to find people who were interested upon both sides of this controversy, the men who are the best informed upon the subject. And I at once learned that Mr. Luce is the most prominent advocate of the system in Massachusetts and the extension of this system in Massachusetts; and I called at his office and found that he was away on his summer vacation. And if your Honors will allow me I will read a letter which I wrote to him and to which I hope we can have a reply. I do not know as I have had—I have not had any communication from him. I merely present this for the purpose of showing to your Honors that I have made the best efforts possible to secure the attendance of Mr. Luce and will endeavor, perhaps, to get into communication with him later. I wrote this letter of the 7th of July:

July 7, 1909.

HON. ROBERT LUCE, *New Harbor, Maine:*

MY DEAR SIR.—The Direct Primaries Committee of the Legislature of the State of New York is to hold a meeting at the State House, in Boston, Monday afternoon, July 12, at 2 o'clock, and the Committee is very desirous of hearing your views and getting the benefit of your experience upon this subject which is at present being much discussed in New York State.

As attorney for the Committee, I called at your office yesterday

and was much disappointed to find that you were out of town. A young man in the office suggested that, inasmuch as you are very much interested in this subject, it might be possible that you would be glad to take a run down to Boston and appear as a voluntary witness at the hearing of the Committee on Monday, Tuesday, or Wednesday, of next week, and if you feel that you can do so we shall certainly appreciate it.

I am anxious to obtain satisfactory statistics showing to what extent voters have availed themselves in Boston and elsewhere in the State, of the privilege of the Direct Primaries. Of course, I can familiarize myself with the law, but can only get at the results by actual investigation.

I have read, with interest, a pamphlet written by you some years ago but have seen nothing from your pen since 1903. Perhaps you can refer me to some other matter that will be of assistance.

If you find that you cannot come I trust that we may have the favor of a reply to this letter in which you may embody some of your views and give us the benefit of your observation as to the working of the law.

Awaiting your answer and thanking you in advance for your consideration, I beg to remain,

Very respectfully yours,
 WALTER H. KNAPP,
Attorney for Direct Primaries Committee,
State of New York.

Judge KNAPP: I do not know whether Mr. Luce's primary election bill is among these acts, but I would be glad to present that pamphlet to the Committee.

Now I will ask the stenographer to take that, and, if Mr. Luce—if I get an answer from him (he may be in the woods where he cannot be reached), but my letter has not been returned—and he does not appear, I will ask the privilege of the Committee of filing the pamphlet which Mr. Luce has written on the subject some years ago—six years ago.

If Mr. Garcelon will come in in the morning why I have nothing further to present to-night.

Senator MEADE: We adjourn until 10 o'clock to-morrow.

Assemblyman PHILLIPS: I would like to—well—

SECOND SESSION — July 13, 1909.

STATE HOUSE, BOSTON, MASS., *July 13, 1909.*

Chairman MEADE: The Committee will come to order, please. Judge Knapp, you may proceed.

Judge KNAPP: I am going to call the attention of the Committee simply to the fact to what perhaps is not familiar to all, that Senatorial district lines in this State are not co-extensive with county lines as it is required by the constitution of our State. For example Berkshire county (referring to map), which occupies the entire western end of the State from Connecticut to Vermont, is divided so that it goes into two Senatorial districts; Hampshire is also in two or three, and I am not quite sure how it runs that way; the lines are arbitrary lines fixed by the General Court of 1906, as shown by a map which I have here and which map I think perhaps may be of some use to the Committee subsequently and I will ask to have that filed as one of the exhibits.

(Map marked ("H. C. L. 4."))

At the conclusion of the hearing last night I read to the Committee a letter which I had written Mr. Luce asking his appearance. I found on my return to the hotel a letter from Mr. Luce, which I think should be read as an answer to mine, inasmuch as he asked me to state in connection with his letter some of the facts upon this subject:

NEW HARBOR, ME., *July 10, 1909.*

Walter H. Knapp, Esq., Parker House, Boston, Mass.:

MY DEAR SIR.—Were I in Boston, I should with pleasure attend the hearings concerning which you address me, but I trust I may be pardoned if for that purpose I do not undertake the somewhat laborious journey from here and back. The salient points of what I would say I gladly put on paper.

Your Committee will be confused by the Massachusetts situation if it does not get clearly in mind the fact that the "primary election" as it is understood in the Northwestern States has two branches — (1) direct nomination, and (2) what in Massachusetts we describe by naming it the "joint caucus." These things may

be secured separately or together. The public saw fit to attach my name to *two* measures covering respectively these two things. The bill of 1902 as enacted, concerned direct nominations alone; that of 1903 concerned joint caucuses. You are chiefly concerned, I take it, with direct nominations and so I may dismiss joint caucuses by saying that the bigger the city, the more their benefits — that in Boston the reform has commended itself by making the nominating process decent, dignified, safe, and convenient — that in other cities where it has been adopted there is no disposition to go back to old methods — that about one-third of the voters of the State now use it to advantage, and that its necessarily complicated machinery makes it as burdensome as it is needless in rural communities.

You will find that we now nominate by direct vote thirteen of forty State Senators, about one-half of the 240 Representatives, one of the eight members of the Governor's Council (Boston), three Congressmen out of fourteen (Boston districts), all municipal officials (save only school committeemen in Boston, except for local reasons) in thirty-three cities.

About one-quarter of the State Representatives had been nominated in caucuses from time immemorial; another quarter was added by the law of 1902. The Boston Senators were provided for in 1901, and the four others at intervals since. The Councilor and three Congressmen were provided for in 1903. The rest were covered by the law of 1902.

My personal conclusions as to the results are:

Multiplicity of Candidates.— An evil predicted, but not realized. The scope of choice between candidates may have been somewhat enlarged, and not harmfully, but there has been no such increase of candidacies as was feared. Pride deters men who have no chance of success just as much now as it did under the convention system.

Plurality Choice.— I do not recall a single instance where there has been criticism because the nomination went to a man by a plurality vote, instead of a majority. That is, I recall no case where the vote received by the top man has been so small compared with the aggregate poll as to warrant the charge of unfairness or miscarriage. No more harm has resulted from plurality nomination than came from plurality election when in spite of serious

misgivings it was adopted in Massachusetts. Our experience does not indicate that there is any practical justification for the elaborate second and third primary complications that prevail in the South.

Party Effects.—The system does not destroy the influence of party leaders, but keeps it within legitimate bounds. The advice of party leaders still has great and useful weight, but it is now advice and not dictation wherever direct nomination prevails. As a result, party members feel more responsibility, take more interest, and actually become more earnest and loyal party workers than under the old system. Our actual experience has strengthened my conviction that it is for the real benefit of normal partisanship and party organization to let the rank and file have a real part in the selection of party candidates.

Bolting.—Under direct nomination the candidates get a square deal, and losers have no excuse for independent candidacies. The system therefore conduces to party regularity and party harmony.

Participation.—Unquestionably the system increases participation in the nominating process and by so much leads to a healthier public condition.

Tenure of Office.—To my mind one of the greatest benefits of the system is its breaking down of the rotation in office theory. Left to themselves the people will apply to the public business the practice they always find beneficial in private business, of retaining a useful servant as long as he will serve. The cheaper sort of politics, of the selfish and short-sighted variety, inculcates the rotation theory to personal gain and public loss. By it our country districts have gone far toward ruining their influence on State legislation, at the same time making it very hard for any rural aspirant to achieve a political career. They guillotine just when usefulness begins — after a year or two of service, spent mostly in learning how. The same system has been the bane of city politics, in such marked contrast to the English and Continental idea of keeping local councils and officials in office for many years. Direct nomination lets the natural impulse of the public prevail and conduces to the lengthening of official terms of service.

Locality Nominations.—For the same reason the system gives gain by lessening old locality claims. It tends toward the selection

of the best man, regardless of the site of his bedroom. It lessens the chance of putting into office an inferior man whose claim is wholly that he is the best man in some village, hamlet, precinct, ward, or neighborhood whose "turn" it chances to be.

Fair Play.— On the other hand, it has been conspicuous that the rank and file have not turned a deaf ear wholly to legitimate strategical considerations. When it has been the art of good politics to name a man because of his race, religion, or residence, the advice of party leaders has received due consideration.

Expense.— The most serious objection. I would make my comment very explicit. *Direct nomination actually lessens the expense wherever the candidates would in any case have appealed to the voters.* It increases the expense where if the convention plan prevailed there would be no prior canvassing of the mass of the voters. For this reason I have come to the personal conclusion that the best system is one whereunder nomination may be made by convention if there is no manifest occasion for a general canvass, something as is the case in an English Parliamentary election, where a poll is taken only after two or more candidates have presented themselves. Of course precisely that system could not apply here, but it is quite possible to provide that there shall be direct nomination whenever an appreciable number of voters petition for it.

Geography.— While many skeptics have come to admit the benefit of direct nomination as far as applied in Massachusetts, they still urge that it is adapted only to districts territorially compact. The only important basis for this view is that in districts comprising many cities, towns or neighborhoods, the mass of the voters will not have individual acquaintance with candidates, and so cannot make judicial selection. This is more plausible than sound. The fact is that populations have now so grown that no candidate is personally known to more than a small fraction of the voters, whether in city or country. Choice is made on the strength of the judgment of a comparatively few men who advise others, directly or indirectly.

In General.— The all important question, "Does direct nomination get better candidates?" cannot be answered statistically and any answer is but individual opinion. Surely it would be rash to argue from isolated instances, and many instances would not

give certain conclusions. I would urge your Committee not to accept instances that may be cited one way or the other.

If at any later time I can address the Committee, I shall esteem it a privilege to do so.

Very truly yours,
ROBERT LUCE.

(Signed)

It would be impossible to draw any useful conclusions as to attendance from Massachusetts figures. The "joint caucus" law has increased Boston participation in the nominating process by about 50 per cent. — probably the same in the ten or eleven other cities using the law. But nothing can be argued as to direct nomination.

WILLIAM F. GARCELON, recalled.

By Judge KNAPP:

Q. Mr. Garcelon, I think, has prepared a little more detailed statement of some of the matters that were called to his attention yesterday. Can you present that, Mr. Garcelon, without my asking questions? A. Yes, Mr. Chairman and gentlemen, when I came up here yesterday I had jumped off the train, after having traveled since 7 o'clock in the morning and my statements were rather disconnected. Upon reading the papers this morning I find that the impression which I must have given was undoubtedly not — did not exactly represent my attitude. At the risk of seeming perhaps to trim a little I am going to tell you this morning, in a little more orderly fashion, just how I feel about the direct nomination system.

First let me say that Mr. Luce is a man of very high character. He is very highly regarded by all of us — of both — any party, and I believe and think that Mr. Luce is entirely honest in his convictions and that he has worked very hard in his study of this Direct Nominations Law. His first attitude, I believe was, some years ago, that he believed in the direct nomination theory. In other words in putting up the matter to the people directly; and last year he introduced the bill which provided for a little different plan; namely, that on the petition — that there should be a nomination by convention unless a certain number of persons

petitioned that there should be — that the direct nominations plan for any particular office should be adopted; in other words, if there were five nominations to be made and there were contests in two and no contests in three, there might be — there would be a convention for three where there was no contest in the other two; perhaps, in one case, it would be desired to have this nomination by convention. It surely would be by convention unless somebody got up a petition with enough signatures to have the direct nominations plan adopted. In the other case, if they did petition that there should be a direct nomination plan it would be adopted and there would be a plan of direct nomination.

I heard only a part of the testimony yesterday and I may repeat some of the things that were said then. There used to be the caucuses of Massachusetts, called the old-fashioned caucus, where the people went into a hall for a town meeting and discussed the candidates, nominated them and voted for them. The other is the direct primary. The direct primary maintains in all representative districts where there are cities, particularly in all representative districts in the city — that are within the limits of one city. In other words, in compact districts. The third system is the joint primary plan which includes the direct nomination plan. The joint primary plan is one — that is the joint caucus on the primary plan is one — that is adopted by the votes of the people of any city; for instance, the people of Newton — fifty people of Newton — voted at the next election we should vote as to whether we should adopt the joint caucus and we voted to adopt it and we have adopted it and we have had it for the last four or five years.

I had discussed this matter for a great many years with a great many men and I am willing to confess that in theory it is rather difficult to maintain one's position against the plan of direct nominations. Theoretically, it is good, and I find that the men who teach political economy and civil government in the colleges are inclined to favor the theory of direct nominations that shall put the matter right straight to the people and let them vote for the men that they want to fill the offices. And I also find that the earnest men, the men who are seeking good government, who actually take an active part in politics, are rather skeptical about the results that may follow a general adoption of the direct nomina-

tions plan. Now, in saying that, I do not mean to condemn in every district, in every section, the adoption of the direct nomination system.

I would like to tell you just a very few things about the joint caucus act. I am inclined to believe that it is a pretty good plan. We all know who have participated in active politics under the old-fashioned plan and the modern plan, that the stuffing of the caucus of one party by men from another party has been carried on many times. You probably are familiar with the situation under the direct primary act in North and South Dakota, where in every single county the Republican candidate for — the candidate for senators — received more votes — the Republican candidates for senator received more votes in the county than President Taft had in any county in the election. That is, there must have been some Democrats who came into the Republican caucus, owing to the fierceness of the fight between the two candidates for the Senate, and who were led in there or came in voluntarily, or got in there anyway, who voted as Republicans when they did not mean to vote for the Republican candidate for President, when they could not be called Republicans. That is told both ways. Republicans in close contests among the Democrats have gone into Democratic caucuses.

That has not prevailed under this direct nominations and has been under the general caucus act, and I believe it is an exceptionally good thing because of that. In a city like Boston where there is — in the congested districts I believe that the joint caucus act works very well indeed. I think that it does prevent this turning of men from one party to the other, or the attending of both caucuses by the floating voter and I think it has worked well in some other cities like the city of Newton, and not so certain whether it has worked well or not. I should hesitate to discard it. I will give you a few figures in connection with the primaries at the last State and city election in the city of Newton. At the last State election we had 5,969 votes cast. At the city primaries there were 1,157 Republican votes and 56 Democratic votes. In other words, about 1,200 out of 5,969 voted at these primaries.

Now there was a direct nomination plan and there was a joint caucus, and a joint caucus did not affect the vote the direct nomination plan would have; at this very caucus, at this very primary,

Robert Luce was nominated for Lieutenant-Governor, and of the three candidates for Lieutenant-Governor, there were the active friends of two of those candidates working in every city to get out the votes and we succeeded in getting out 1,157 out of 3,560 Republican voters to vote in that fight for Lieutenant-Governor, so there was not a very — although there was a great interest, although the papers were full of discussion about that matter, the people did not come out and take part in that election, and I am frank to say — in that primary election, I am frank to say, that, perhaps, with the exception of one ward, that the delegates who were selected for the State convention by the men who are active in politics, were the delegates who were selected. Why? Because the men who are, because the city committee who had been working the year before and the year before, and the year before that, know what men would vote and what men would not vote, and they know where they could go and get that man and get them out and had the system, and they had the plan, and they had the organization, just the same as every man who conducts any great business or any great political organization must have.

Now as to the — in the city primaries there were no contests in the city primaries. We had, perhaps, a little bit of a contest for aldermen; it didn't amount to very much. And at the last primaries there were fifty-eight Democrats voting and 235 Republicans, a difference of — that is, of registered voters, that is about—

By Senator McCARREN:

Q. Is that the primary at which the mayor was nominated?

A. We do not nominate a mayor this year. Our mayor is two-years' term. We nominate simply aldermen and members of the school board.

By Assemblyman PHILLIPS:

Q. What is that number again? A. Two hundred and thirty-five Republicans and fifty-eight Democrats.

By Senator McCARREN:

Q. What city officers did you nominate? A. Members of the board of aldermen and school committee only.

Q. Are the members of the board of aldermen nominated by wards or at large? A. Fourteen of them, so that of the fourteen, seven were nominated at large and seven by wards.

Q. As to the number of voters do you mean to say — does that include all the votes that were cast in the respective wards and all the votes that were cast at large? A. Includes every man who voted at that primary, at that city primary.

Q. Whether for a ward officer or for an officer at large? A. For anything; every man that voted who went to the polls, at the election; 3,300 — city election, 3,371 men voted. Now the thing that makes me hesitate in a city like that, where there is very little contest is the — one of the things is the expense; now those elections cost — of course, the city under these conditions pays the election officers and takes full control just as it does for a regular election. The actual expense of those primaries was \$1,397 apiece. In other words —

By Assemblyman PHILLIPS:

Q. That is expense to the municipality? A. To the city. In other words, the primary cost the city of Newton a little over a dollar a person; a dollar a man for those voting; and the State primary cost about four dollars a person. Now, for instance, I presume about one-eighth of that expense was incurred by the ward in which I live. In that ward, at the last election there were but twelve Republicans voted and two Democrats, about fourteen men came out and voted. Now I maintain that —

By Senator McCARREN:

Q. That cost \$13. A. Oh, it cost about \$150.

Q. To cast fourteen votes? A. Yes.

Q. About ten dollars a vote. A. Just about. Now I maintain that in a community where we work very hard to awaken people to civic virtue and an interest in public affairs, that even if there was no contest there was a corporation of which the directors were to be elected, designated, and it was the duty of the people to get out; and it seemed to me that it does not speak very well for the great interest that the mass of the people take in political affairs when in one case where there is a great contest we can

get out only 1,200 out of 5,900 voters to attend the caucuses; and in another case where there is no contest, where directors of the corporation are to be elected, we can get only 300 out of about 6,000.

By Senator McCARREN:

Q. Well, that statement of yours as to Newton would not bear out the deduction that Mr. Luce tries, in his letter, to draw as to the increase of the number of voters under the direct nomination system? A. Not in the city of Newton. I think it would be in compact districts in the city of Boston where there is very fierce fighting. One other thing in connection with these joint caucuses, or the primaries and direct nominations; parties go into the joint caucuses; the Independence League may have a candidate, and the Democrats may have a candidate, and the Republicans may have a candidate, but somebody asked yesterday about the independent voter who went in and registered himself as a Republican or as a Democrat; how has he a chance to file the nomination of a candidate by nomination papers; a certain number of voters may sign the papers nominating John Jones for mayor, and John Jones, running on independent nomination papers, and then could be put in as a candidate of Independents, or as a candidate of the Vegetarian party — or anything that was desired; so the independent voter is not shut out under that joint caucus party. He cannot go in, of course; or he won't go in, rather, and register himself as a Republican or as a Democrat, but he may be a candidate; so, at a city election, we may have a Republican candidate, we may have a Democrat candidate, and we may have an Independent candidate, and we may have an Independence Citizens, or there may be a dozen others. So that the independent voter does have a chance under this system. Of course, he said: "I don't want, if I am going to nominate a candidate for a municipal office, or, for any other office on nomination papers — I don't want to run up against the force and the power of the Democratic organization or the Republican organization; I believe in a free hand for everybody." But in carrying on the independent party for a series of years what does he seek to do? He seeks to tear down the Democratic party and he seeks to tear down the Republican party, and seeks to build up another of which he is the head.

By Senator McCARREN:

Q. Under this system you cannot be a member of all the parties at one and the same time? A. Under the joint caucus act, no. He is known as a Republican, or as a Democrat, and he cannot vote within twelve months, and this year — I think, the law was passed but this year — if he was once enrolled as a Republican or as a Democrat, unless he wanted to change his enrollment from a Republican to a Democrat, or from a Democrat to a Republican, he could not get his enrollment in; the only thing to do is to say: "I don't want to be a Republican or a Democrat; I wish you to take my name off;" The city clerks would not do so because they said they had no authority under the law, so he was blocked forever unless he wanted — he could not become an independent really.

Now under the direct nomination plan it was stated in the papers, and I assume I stated it here yesterday, that I was violently opposed to the direct nominations system; that I believe in the convention plan. I presume that in the fierceness of the fighting in the Legislature that I might have gone perhaps a little further than my sober judgment would have dictated and it may be that some of the results of the contest still linger in my system. I am inclined to believe that in a compact district where the candidate for office may get through in the course of a day or two days and see all the voters in the district and present himself to them, and get acquainted with them, where they are likely to know him, the direct nomination may be a mighty good thing. If in the town, the little town which I cite everybody knows James Johnson; James Johnson and John Jones are opposed for office. I can't see any reason why the people should not vote directly for that candidate; but when the district is large proportionately, when it is going to cost a great deal of money and take a great deal of time to go over the whole district and see all the voters then I believe that the convention system is better. I believe it is better in that case just as I believe, as has been shown for years and years and years, that it is better in a large organization instead of having nominations made from the floor to have nominations made by nominating committee; and I think you get better results, better nominations, where from the floor there are all sorts — crazy men,

perhaps, who insist upon, who get up and make this nomination and that nomination, and nominations very frequently, and elections very frequently in large organizations go by default.

So my final conclusion with reference to the direct nominations is this: That in compact districts that are easily covered a direct nomination is not a bad thing. But I do not believe that we have experimented long enough with this direct nomination plan to be certain that it is the plan to adopt for a whole commonwealth or a whole city, or for large districts. I believe that in making any reform in election methods we should go very slowly.

Now we have adopted that direct nomination plan here. It has worked well in some instances. In a great many other instances it has not worked well.

I propose that the Committee accept the invitation which has been given to-morrow to ask one or two men who have been, who are interested on the other side of the case, and who will try to show that in certain districts it has given them a chance against the machine, and they have been able to get into office against the efforts of the machine of their party. But it seems to me that it is — that, for instance, the Senatorial district that I come from has seven or eight towns. While the people of one city, the people of the city of Newton do not know the men who are interested in politics in Hampton and Framingham, and they do not know the kind of interest taken in the town; that is a personal instance; there we have had several contests there during the last three or four years and we nominated a man several years ago, a Republican in a strong Republican district, who was defeated by a strong Democrat, and a little later we nominated a Republican who defeated another strong Democrat. But when nominations were being made the people of the city of Newton, for instance, have almost no interest in the personality of the candidates; and for that reason I believe it is better to elect delegates and let those delegates look the whole situation over and pick out the man whom they think will be a strong man and a good man for the district.

I am conscious of the great many complaints that may be made to the convention system. You have, for instance, in New York, I understand — I doubt not, you have heard of complaints that can be made about the purchase of delegates and manipulation of con-

ventions and all that sort of thing. Those evils exist in Massachusetts just the same as they do anywhere else. I, however, believe that in many instances in the city of Boston that the direct nomination system has brought forward about as many evils. The Finance Commission has reported in a very earnest way against the system of direct nominations in the city of Boston. Of course, the great cry — I shall take but a few minutes more of your time — the great cry is that the independent voter does not have any chance.

Now I am rather inclined to have very little sympathy for the independent because I believe that in order to get State officers and in order to get city officers you have got to have men who will go to the polls and vote for them at the elections, and you have got to have good men who will hunt and look them up and vote for them for the nomination. The independent voter takes the attitude that he is going to sit aside as a judge and take his choice of the candidates of the two parties and if he doesn't like either of these why he will put up another candidate. In other words he seeks to avoid part, the most important part, of his political duties, and he neglects to do a duty that I believe he owes to the State to go in and take part in the nomination of candidates. It has been the history of the country down from the very beginning that there are going to be parties; men are going to organize and men are going to get together and they are going to get to work. The independent don't. He won't join any of these organizations. He will do just as he pleases and in that way I believe he avoids his duty.

By Senator McCARREN:

Q. Mr. Garcelon, the direct nomination theory is, as I understand it, predicated on two assumptions; the first is that by the direct nominations system you induce a much larger percentage of the voters to participate in nomination. The next is that you by that system get a much better class of candidates for the public service. Now the first proposition seems in the experience of the city of Newton to be not proven. Now the second proposition, with reference to the better class of public officials, what is your experience in the city of Newton; for instance, have you noticed any difference in the character or the ability of the public officials that

are elected there by the wards or by the city at large since the city was incorporated? A. It is not quite fair to take the city of Newton because we have an exceptional city government there. It is a residential district. There are very few congested districts and there have been no very violent contests between the parties. It is not fair to do that.

I think that the first statement that it does induce a great many or more people to participate in any pre-primary election is true in cities because in a compact city like Boston, or take one ward that is thickly populated, the two candidates will go and get out every vote if possible, and voters talk about it, they discuss it, they are not in many instances, they are not in most of the districts off riding in automobiles and going to the seashore, and they will sit down after they get home at night and they are discussing the political questions. I think there it does induce a great many more people to participate in the primary election.

Now as for the other proposition of improving the character of the candidates, I don't believe it does. I can go through the city of Boston and the State and I could, I believe, point out instances where, under the direct nominations plan, the representation from the district has very materially improved. I can go to just as many more, and probably more, where it has not improved but has deteriorated. In other words, in some districts men without any character, and with nothing but a good smooth man (you have all seen them in politics) go out and spend, get some money and spend a little money, perhaps backed by some people who have an interest in legislation, and go out and by spending it for three or four months by mixing up with the people of the district, and get by. Whereas under the other plan I believe he would not. It works both ways. You can't lay down any rule that would cover the whole situation. You can't say that a certain thing is so or that it is not so.

Q. Sort of a dead heat, I think? A. I think it is a sort of a dead heat. (Laughter.) You will find that most of the Democrats in the city of Boston earnestly urge the direct nominations plan. They, I think, believe in it; most of the Democratic representatives; although I suppose that at least — of the sixty Democrats in the House last year — of that number, that ten of

them quietly told me that they were voting for direct nominations because they felt they must, but that they did not believe in it being a good thing.

Q. Nothing mischievous in their intention? A. Beg pardon — oh, no. (Laughter.) It is simply because they thought they felt the pressure of the public pulse from back home. (Laughter.) I am going to take up one other matter and that is the matter that was touched on yesterday, and that is the matter of election expenses. I know that this Committee has a purpose in studying that detail.

Judge KNAPP: Yes, we want that.

Senator MEADE: One of the very important points of the proposition, and the more you can give on that the better we will like it.

The WITNESS: I mean in regard to the publicity of the expenses of nomination and election. (Producing book.) And if you can get at the acts and get the whole thing — Mr. Luce and others have been very active in presenting it. What we call the laws relating to corrupt practices.

Now we have a law: "Section 315. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, nomination or election of another person to a public position or employment or to a position of honor, trust or emolument, except that he may announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if elected." That is, in other words, if a man is a candidate for office, in order to procure his own nomination and election he cannot make any promise and he cannot say to another person "I will try and get you appointed as an inspector, or I will try to get you appointed in this position or another." Why, now, I believe in that law, but you all know how easy of evasion that is and you all can probably judge how carefully that law is obeyed.

Now another, and here is a proposition that I myself strenuously object to and one that I tried to have amended at the last legislative session — "No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, give, pay, expend or contribute,

or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided."

In other words a man could spend money in two ways; he could give it to a political committee or he could use it for personal expenses. I will take the matter of personal expenses later.

The purpose of the law is all right. I wish it might be enforced. But it has been the custom, I suppose everywhere where there have been elections, to hire workers at the polls. It has been the custom in Massachusetts for years and years and years, and that custom, of course, has come at times to be abused. We passed a law a year or two ago which provided, or which limited the number of workers that a man might, or a committee rather might, hire at the polls. But if a man were a candidate for a public office and he had no political committee he could not go out and say to John Jones and Johnson, or so and so, "Here, I will give you five dollars to go over there and drive a horse for me to-morrow at the polls," because that would be unlawful. He could have a political committee that could do that same thing, but the man couldn't do it. Why one of the most honest and conscientious representatives that came to the State House this year filed a return with the Secretary of State in which he stated that he paid fifteen men to drive three teams for him each at election day in the country districts to bring in voters. And I understood his opponent was seriously considering having him brought up under the law because he had spent that money illegally. Whereas if he had given it to his grandmother and asked his grandmother to serve on the committee and let her pay over the money it would have been all right. (Laughter.) I had another experience with a man. I said to a friend of mine, "I see you handled your campaign by a certain friend of yours as treasurer and he spent so much money." "Yes," he said, "but I didn't know it until after the election was all over." He said: "He brought that into me and asked me to sign it and I signed it." (Laughter.) So that the matter was evaded in that way. I followed and have gone into this in many instances. The committees are appointed in most instances of a brother or a nephew or somebody that serves as the figurehead on the committee and the man himself manages his — that is in smaller matters — manages his

own campaign. Of course, on large State offices I think that the law is carried out pretty carefully.

Now, as to personal expenses, "the personal expenses shall include" — and I want as you go over this I would like to have you consider what expenses have been made in securing your election or securing the election of anybody else you have to include under personal expenses — "shall include only expenses directly incurred and paid by a person for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and public messenger service; and for other similar personal purposes."

Does that include cigars, does that include the little dinner that you give to the workers in any particular ward — and you see there are other similar expenses that open the door and let a man's conscience stretch just as far as he desires to have it.

By Senator McCARREN:

Q. No limit there to your literary efforts. You can go as far as you like there. (Laughter)? A. Yes, and some go pretty far, too. But under our system I do not believe that that law amounts to anything and I have tried to have the law changed so that candidates could pay money directly themselves to individuals whom they desired to have work for them. Why we all know that in the State campaigns individuals are hired for months ahead sometimes and go out all over the State and get in touch with the delegates, and get in touch with the various districts, and that they are paid for that and I do not see why that is not a perfectly legitimate expense and why a candidate, if he does not want to have a committee turn the money over to somebody else to handle, why shouldn't he pay it directly. And I also wanted to cut out that provision, "except for personal expenses;" so that a man would make absolute return of everything he had expended in his campaign.

But that is not the worst feature of the present law and it is not the weakness of the present law entirely. The weakness of the present law is that it is not carried out, and it is not possible under

the personal expense clause or any other for a man to know what kind of a return to make. Why, one of the Congressmen of Massachusetts called me up one day and asked me if he should put in his return two dollars that he had spent for dues for membership in a Republican club. I referred him to Robert Luce. (Laughter.) I didn't know. Now I am going to give you figures of the returns under the Corrupt Practices Act. Under the provision on returns — this on the Secretary of State's office report — there was a total of 691 returns in 1907. Twenty-seven were premature — if it was not within the time they sent it back; 176 were late — they will take them. Thirty-seven were irregular; fifteen were both late and irregular. And five were both premature and irregular. There were 531 returns with no payments; 104 payments to political committees; fifty-four payments to other than political committees. In other words fifty-four men out of the 158 reported that they made payments to other than political committees; in other words reported they had violated the law. At the election there were received from candidates for election a total of 602 returns; 164 were late, thirty-four were irregular, and twenty-four both late and irregular. In 1908 there were 1,024 State officers for which nominations were to be made. That would mean that for the nominations there were probably 12,000 candidates. One hundred and sixty-four men made returns of what they had spent for nomination. Now the Secretary of State takes those returns when they are returned to his office here and files them away, and nobody does anything more. If a man does not make a return nobody follows it up because they assume that he has made no payments at all and need not make a return.

At the election out of this 1,029 there were 372 who made returns, so that one-third of those who were running for office made return that they had spent any money. Nobody was charged with the duty to take that up. And most of the returns that have come in under the Corrupt Practices Act are sent over to the Attorney-General's office and the candidate goes up there and amends them or fixes them up in some way, but the law as it stands to-day in my opinion is almost an absolute dead letter. I believe that if you are going to have publicity you might as well have it

for every single thing and if you are not going to have it why open the door.

However, I do not think you can get absolute publicity if a man wants to spend money improperly and is willing to go out and hire voters and use bribery and other illegitimate means to get the election by cheating; then he is not a law-abiding citizen and if he does that sort of thing he is smooth enough and slick enough to be able to avoid detection. I believe in the publicity law, but, for Heaven's sake, if you are going to put one into the State of New York, don't put personal expenses — or have an exception of personal expenses because that makes the law an absolute failure, an absolute dead letter as it is in Massachusetts to-day.

By Judge KNAPP:

Q. Mr. Garcelon, I shall only ask you two or three questions. You referred in your remarks to the Finance Commission that reported in January the proposed new charter of the city of Boston? A. Yes.

Q. You are acquainted, I suppose, with the members of that board? A. Some of them.

Q. With their politics? A. Not all of them, no.

Q. Well, it is a non-partisan board, is it not? A. I believe so. The Governor has just appointed a Democrat at the head of the new one.

Q. I refer to the old one? A. Yes; it is a non-partisan or bi-partisan board.

Q. Consisting of Nathan Matthews, as chairman; what is his politics? A. Democrat.

Q. Mr. George U. Cockrane; what is his politics? A. Republican, I believe.

Q. Mr. George O. Ernst? A. Republican.

Q. John F. Moors? A. Democrat, I think.

Q. Randall G. Morris? A. I don't know.

Q. John A. Sullivan? A. Democrat; ex-Democratic congressman.

Q. Now, Mr. John F. Kennedy; he was also a member of the board? A. Yes.

Q. With the exception of John F. Kennedy, this committee signed this report? A. Yes.

Q. So we understand you to say that in the city of Boston, for municipal elections — the nomination of mayor and aldermen — the direct nominations plan has not proven satisfactory? A. As I understand it the report of that commission — for nomination of aldermen and council — the direct nomination plan has not proven satisfactory. In their report they violently attack the plan of direct nominations in the city of Boston.

Q. I was going to call your attention to that in a moment, but isn't it true, Mr. Garcelon, that the opinion is quite unanimous in the city that the direct nominations plan for the municipal officers for the city of Boston has not proven satisfactory? A. I wouldn't say that it was quite unanimous, but there is a pretty strong feeling among a great many very good citizens that it has been bad.

Q. Let me read a clause from the report of this Finance Commission, of January, 1909: "While the present system"—under the head of Elective Officers, page 22, "While the present system of nominating the candidates for mayor and city council at primary elections was adopted to correct certain abuses incident to the caucus and delegate convention, it has given rise to new evils more serious still; and it operates to make the nomination and election of representative citizens to the elective offices of the city government more difficult than under the former system." Will you agree with that statement of this non-partisan commission? A. I haven't mixed with the city politics in the city of Boston at all; that is, in the election of aldermen or council.

Q. Well, you have spoken of the congested districts, compact districts, and so forth, of the direct nominations system being in some respects possibly desirable? A. I had in mind the representative districts because in those I have taken a very keen interest and have followed —

Q. Representatives in the State Assembly? A. I have followed the nomination and election of some of those men with a great deal of care.

Q. Mr. Garcelon, if it is not satisfactory so far as the nomination of representative citizens in the city of Boston is concerned,

for the government of the city of Boston, in which respect is the nomination of representative citizens for representatives in the House; in what respect does it differ? A. I don't know that it —

Q. If not good in one case why is it good in the other? A. I don't know that I could say. As I stated to the Committee, it seems to me that in some of the districts of the city of Boston, some of the representative districts, men have been able to be nominated and elected under the direct nominations system who would not under the convention system, but I think there are just as many others where the opposite situation prevails, that men who have not — who were not worthy of their nomination and election.

Q. Of both systems? A. Of both systems; as the senator suggested, it seems to me that it is a dead heat and because of that I am somewhat in doubt, my inclination being, unless I can see some direct good to be derived from the change, to sit back and not change.

Q. Now I call your attention to another clause of this report: "Whatever force there may be in the argument that party responsibility is a guarantee of good behavior and a desirable check on individual misconduct, this argument presupposes the existence of a true political party with principles, organization and discipline. The direct primary system was not intended to abolish partisanship in municipal government; but in its practical working there is no longer the partisanship of a great organization bound, theoretically, at least, by party principles, and having some regard for its political responsibilities in the State at large. It is a partisanship of ward organizations calling themselves Republicans or Democrats as the case may be, but representing no municipal policies capable of formulation." Do you agree with that statement? A. I would not care to say in an involved way that I do not — that I agree with it. I rather believe — theoretically, I believe — that if you could separate municipal and national politics, or municipal and State politics, it would be very desirable; practically, I do not believe that it is possible, because I believe that if you are going to maintain one organization for a State election, or a national election, that that same organization is not going to rest its oars in the city election; it is going to reach out and take control of the — and use its organization as a party organiza-

tion in the city election, and I — I do not believe that the elimination of party designations will eliminate parties because I believe that the people are intelligent enough to know when they are told in plain language and in print what man belongs to their party and what man does not. I believe they will get together in parties just the same.

Q. There is another statement — I didn't want to take this up but just because we happen to have you here — "Our present electoral machinery." By that does the Committee refer to the joint caucus? A. I presume so.

Q. And direct nominations? A. I presume so.

Q. Is "wholly unsuited to the requirements of successful municipal government through popular suffrage?" what do you say as to that conclusion by a non-partisan committee investigating the subject of this city for eighteen months? A. I wouldn't care to go into a discussion of that. That involves the whole question of municipal government.

Q. Mr. Garcelon, as a matter of fact, based upon that report a bill was introduced in the last Legislature for a new charter? A. Yes.

Q. For the city of Boston which limited direct nominations for mayor and aldermen and other city officers, and that bill was passed by this Legislature and you voted for it? A. Yes; I think you will find, however, that a large proportion of the Democrats, the active Democrats in the city of Boston, probably do not agree with the conclusion of that bi-partisan commission. That is, I believe that —

Q. You wouldn't characterize Mr. Matthews and Mr. Sullivan as active Democrats in the city of Boston? A. I think they are active Democrats, but they are not in the thick of the fray; and a great many of our — some of our friends here (indicating audience) no doubt who are candidates for office can tell you better than I can.

By Senator MEADE:

Q. They are not considered politicians? A. Well, considered — I think they are; yes.

Q. I mean the members of this commission are not considered politicians, not Mr. Matthews and Mr. Sullivan? A. Why, I

think that they are; may be called active politicians; they are interested in politics and they are taking an active part, both Mr. Matthews, Mr. Sullivan and Mr. Ernst.

Q. Well, they do not assume the control of any part of their party organization? A. I don't know very much about the Democratic party.

Q. They do not belong to what some people would call the ring, do they? A. I did not know that there was one in Boston. (Laughter.) There may be one, but not several.

Q. I want to read two or three other statements to you: "Instead of bringing the choice of candidates nearer to the people, it has erected well-nigh insurmountable barriers between the individual voter and the free selection to which he is entitled, and which he must have before he can discharge his duty as a citizen. It has made it artificially difficult to secure good nominations; it has debarred the best and most representative citizens from participation in the government; it has increased the power of money in elections; it has practically handed the city over to the ward politicians. It tends to create bad government, no matter how strongly the people may desire good government; and to discredit the capacity of the people when congregated together in great cities to administer their municipal affairs." A. I do not agree with that.

Q. Do you recognize that language? A. I do not agree with that part of the statement. I think it depends entirely upon the character of the people in any given community. I think there are some wards in some districts in the city of Boston where that thing is true. I think there are many others where it is not true.

Q. Yes; that is true, but is it possible to make a general law which will say to one ward "You are more intelligent than another ward and therefore you can have direct nominations and the other ward cannot" — such legislation is impossible? A. Oh, certainly. It comes back to my original proposition that unless all the people are interested all the time you cannot get real good popular government.

Q. But, as a matter of fact, whether for that reason or others, the laws of the State of Massachusetts are not uniform in different parts of the State? A. No; I don't believe they ought to be.

Q. "Under the direct primary system a strong, honest and popular man is theoretically able to secure a nomination against the opposition of the party organization or 'machine'; but practically he can do it only by entering into a personal contest with the ward politicians in every district." A. I think that is very true.

Q. "A party nomination for mayor in this city is not so likely to be a choice by the party of its best candidate, as a personal contest between two or more active seekers for the office." There is more of this report, I shall ask your honors to consider it.

Senator MEADE: Receive it in evidence if you wish to.

Judge KNAPP: Yes; a little later, perhaps.

Q. Just two or three other questions. With reference to the majority, Mr. Garcelon, and the minority party. Isn't it true that direct nominations may work well for the majority party and ill for the minority party in the selection of candidates? A. It seems to me that they have the effect. A majority party — a party that has a majority — got a large majority — is made rather stronger because men in the minority party desire to have a hand in naming the men who are going to hold the offices.

Q. Do you believe that this Primary Law, or Direct Nominations Law, brings the voters out to the caucuses or primaries, or is it the activity of the candidates in the caucus? A. It is almost entirely the activity of the candidates. Most of the voters do not know when the caucus is going to be, unless they are told in print that they have been.

Q. Is it customary to any extent for the newspapers themselves to take sides in the selection of nominees — the newspapers in the city of Boston? A. Not so much in the city of Boston.

Q. How do you — if this joint caucus or primary has been satisfactory, as you have stated it, in its working for the candidate — once adopted it have revoked it? A. I think that in small communities where men get together at the station, or get together anywhere at the club and discuss politics, and where they take an intelligent interest in politics, they do like to get together and have a proper discussion; and I find that in the city of Boston there are a great many men who are very anxious — who are complaining bitterly because they do not have a chance to go to a caucus and hear candidates talk and express their own opinion about candidates and measures. I believe that to-day if we should

start a vote in the city of Newton to go back to the old-fashioned caucus that we could carry it with almost no exertion.

Q. The fact is, that there are many of those cities where they have had this joint caucus arrangement, have no such plan? A. I don't know.

Q. From this record here, don't you? A. The Secretary of State can give you the record.

Q. They have that record, I see. In the State of Massachusetts you have an educational qualification for voters? A. Yes.

Q. What would you think of a direct nominations system in a State where there is no educational qualification, where quite a percentage of the voters can neither read nor write English nor any other language, but yet are legal voters? A. Under our law there are certain of the election officers who may be called upon by a voter who does not understand the ballot, or, who cannot mark the ballot because of bad eyesight or some other reason and the election officer is allowed to go through into the booth and assist him. I should think you would have to have some very able election officers? (Laughter.) And you would also need to have more than you probably have now in order to instruct those men.

Q. What I wanted to get at, Mr. Garcelon, is this: Do you think that the condition and results would be any different under a system where an educational qualification is required than under a system where it is not required? A. I think that if you have no educational qualification you would have to have some method of assisting the voter to mark his ballot; and if you did that that would go right back to the first proposition as to who controlled that particular district and helped nominate the election officers, and what kind of election officers they had, and whether they were put in there for the purpose of instructing the men to vote one way or the other.

Q. For instance, in our city of Buffalo (the windy city from which our friend Seilheimer hails), there would be on the east side, I think, and perhaps in all parts, a very large number of Pollacks. Do you think it is any peculiar advantage to the government in the city of Buffalo that those Pollacks should go into the primaries when they cannot read a word of English and know absolutely nothing about any candidate, and at the suggestion

and dictation of somebody vote for somebody in order to secure a nomination? A. How do they vote, in fact, if I may ask?

Q. You haven't — A. Somebody gives them a ticket and they hold on to it and go in and put it in — I don't think you could get any different results in the end. (Laughter.)

Q. In other words educational qualification or not — A. If you have those Pollacks in your most virtuous part of Buffalo why the election officers are men of a high class and who are nominated by the best people and allow those men to tell them how to vote, that is one thing. If you are going to get them down in the other section where some man who controls the nomination of election officers, that is another thing. You won't get any different results.

Q. Well, the theory of the nominations system, as I understand it, is that the wisdom of the people from whom it was supposed to emanate is superior to the wisdom of a select committee; isn't that the policy of the law, and the theory of the law on which — A. Usually, as I understand it, and I think it would — it might prevail, if all the people and all conditions could be interested and take an active part and vote intelligently.

Q. It would be physically impossible for all the people to — in a contest of this kind that you speak of — A. That is why I don't believe in such a broad general extension of the direct nominations plan.

Q. Do you believe that in the State of Massachusetts the extension of this system to all election officers, State officers, town officers, and so forth, county officers, would be desirable? A. I think at the present time it is very undesirable because we are in the experimental stage and we do not know — I think some of our friends will tell us that they do know — I believe we do not know, just what the final result is going to be. I have yet to come to a belief that it is a good thing for a district with a population that is widely scattered.

Q. As a matter of fact the system itself has not been extended to any great extent since its adoption, has it? A. Very little. We have taken in three or four — two or three Senatorial districts — Worcester — all within one Senatorial district, within one city; Springfield is in one city; the Lynn district, taking in Lynn, Swampscott and Nahant, which are adjoining and which are practically one city.

Q. That was last year? A. Yes.

Q. And Worcester has revoked the joint caucus act? A. I won't say as to that.

Q. Now a system which, in addition to the provisions of the old law provides for an election of political committees, political partisan county committees, and permit that county committee to name a candidate for nomination and give his name a preferential position on the ballot would tend to maintain party organization to some extent, would it not? A. Yes. That is not direct nominations.

Q. That is not direct nominations? A. No, absolutely not. That is exactly — that is the practical application here.

Q. I am referring to the proposal — what is known as the Hinman-Green bill of last winter; the bill provided for the election of political partisan committees by direct nominations plan and the selection by those committees of candidates who were given preferential positions upon the ballot — I think I correctly state that part of the law. If I do not I would like to be corrected.

Senator MEADE: That is the proposed bill in New York.

The WITNESS: I understand that that is not a direct nominations bill; it is practically the same thing we have here. In other words if that bill became a law that committee would be in the position of the State delegates to a State convention; they would hold a convention and pick out — that would be the committee or convention — pick out the candidates. That is not direct nomination. And that comes right back to what I said to this committee yesterday that if you will get good government association, people who are interested in good government will reform the political committees in the cities and the towns at least, reform the parties inside, from the inside, then good government will follow. And if that bill is adopted the people will take an interest to nominate good men as the partisan parties do, and then the nomination will be all right.

By Senator MEADE:

Q. Mr. Garcelon, there has been one question that has not been touched upon, upon which I would like your opinion, and that is as to the expense of a candidate for nomination. Do you think the

direct nominations system increases the expense to the candidate for nomination? A. I think in the aggregate, as a general thing, it would be very much.

Q. Very much increased in your opinion? A. Yes.

Q. Of the expense for nomination? A. Yes.

By Assemblyman CONKLIN:

Q. Was there not in the city of Lynn a mayor elected there on a platform without any political committee or organization behind him — I think his name is Brown? A. Yes. I don't know about the actual conditions. He had been a policeman there and I presume that the whole thing depended upon the condition of the city and all that, and he didn't spend, I understood, very much money because he didn't have it. He was elected. That occurs frequently here and there in the towns.

By Judge KNAPP:

Q. Mr. Garcelon, I notice that there is a memorandum to the report of Election Commissioners in 1908, that in 1908, in the ninth district, for Representative in Congress, at the primaries over 1,800 Republicans — there were 1,846 Republican votes cast, and at the election 4,989 votes cast. And at the Democratic primary there were 14,269 of the same district votes cast; and at the election 13,729 votes cast. That is to say that in the Democratic primary there were more votes cast than there were at the election? A. That is easily explainable; there may be a contest in any one ward or one section between the Democratic candidates for nomination and one may say that he was cheated out of it; that is, that the people really believed in him, and they can frequently beat them out of it, you know, and he runs independently and therefore cuts down the Democratic vote.

Q. That is a district largely Democratic? A. I assume it is. The 1,800 Republicans, I assume, represent those who believe in doing their political duty all the time.

Q. And the 3,000 Republicans in the same district, a little over 3,000 Republicans, had no interest in going to the direct nominations? A. Why, I assume they vote only at election; that they think that the way to reform the world is to go once a year to the

polls and then pay no attention to politics after that; and I also assume that in that case they may have said: "What is the use of going to vote for a Republican candidate when the Democrats are going to win anyway."

Q. Didn't make any difference to any of them. Is not the result so far as the minority party is concerned in any particular district or locality, the locality takes little interest in the primary and the majority party takes a large interest? A. I want to say that I think that is the result under either system, direct nominations or any other system.

By Senator MEADE:

Q. Mr. Garcelon, is there any difference in the cost to the Commonwealth under the direct nominations plan? A. Why, I think there is, but I won't say definitely about that because I consider there is a great difference in the cost to the State. Under the old direct nomination plan, before we adopted a joint caucus act in Newton we paid the election officers ourselves (paid them if we had money enough). (Laughter.) Under the joint primary act they are paid by the State and as I told you cost \$1,379, or about \$1,379 at each primary.

Q. Then your present direct primary law has materially increased the cost of the nominations to the Commonwealth? A. To the cities, to the Commonwealth? Surely. Probably about more than doubled it.

By Assemblyman PHILLIPS:

Q. By the observations which you have made do you think that the larger per cent. of the voters participate in the primaries in those districts where the simon-pure direct nomination is in vogue than they do in those districts where it is not in vogue? A. It depends very, very — it depends very largely on the activity of the candidates. I do not think that the adoption of the direct primary in itself brings out any more voters. It depends very often on the fairness of the people and the activity of the candidate.

Q. How are your party committees chosen in those districts where direct nominations prevail? A. By direct nomination.

Q. And are the city primaries held on the same day as the other

primaries, any of them? A. The city primaries come in September in Newton; the city primaries come in September and the State primaries come in November.

Q. Then speaking of this Corrupt Practices Act, are the political committees restricted or limited in the purposes for which they can expend money; that is, I think you have mentioned that they are limited in the number of poll workers that they could hire. Is that a fact? Is that political committee limited in the number of poll workers which it can hire at an election? A. I can't remember exactly, but as I remember it, we passed a law last year that provided there should be only six poll workers in any one primary. Largely that was brought up by a petition, I believe, of citizens of New Bedford, who claimed that one man had hired a majority of the ward committee poll workers. (Laughter.)

Q. I assume that the political committees are also required, under the statute, to file a report with the Secretary of State?

A. The Democratic and Republican State committees make their report.

Q. And itemized? A. Itemized.

By Senator MEADE:

Q. Mr. Garcelon, does the direct nominations system require the candidate to put in any more or less time to secure the nomination? A. Speaking broadly, I should say it required more time, and very much more time. There are instances where it has not.

Q. But as a usual — A. The usual thing — I think he has to put in more time.

Q. That often times deterred a good candidate from taking up a fight for nomination? A. Why the direct nominations plan, if there are contests, almost entirely eliminates the man of a kind who is particular — doesn't care to be active in politics, and who is induced by his neighbors and friends, or a committee of a convention, or a committee of delegates, to allow the use of his name. I think it almost entirely eliminates that class of men.

By Assemblyman PHILLIPS:

Q. Mr. Garcelon, there is no enrollment necessary, is there, in any of these districts where the direct nominations prevails?

A. Not necessary.

Q. They have the same — that is, they make the same declaration as to affiliation as they do in those districts where the joint caucus is in force? A. As I understand it.

Q. That is, there is no difference. How long are the polls open upon the primaries? A. I think that usually it takes a little besides — I can't answer that question offhand. In Newton it starts or opens about 4 and closes at 9.

Q. In Boston, I believe they are opened all day. (A. Voice.) All day.

The WITNESS: From 6 in the morning until 4 in the afternoon.

By Assemblyman CONKLIN:

Q. Is it as easy in a district where one party is in a very small minority — is it as easy under the direct system as it is under the other to get a good man to stand as the candidate for that small minority; that is where there is no hope of election? A. Why, I think there is not a very great difference there, because unless there is a chance, a possible chance of election, men will allow the use of their names only because of party loyalty or because of their great interest on public questions.

Q. In New York city districts organization men will permit their names to be used as organization candidates although there is no chance of election and very frequently they will be men of high standing and integrity in the community, and while it has been suggested that under the direct system such men would not go out and make a canvass necessary to get their names on the ballot under the direct system? A. I don't think you will find any difference in that. I don't think that makes any difference at all.

Q. Has there been any attempt at all, or any considerable attempt, for the extension of the direct system to all officers in this State, State officers as well? A. If you could hear the gentlemen in the House of Representatives who are in favor of this proposition you would say that all the people of the State were pounding at the door of the State House, but if you go out and talk to the people haphazard on the street you will find that — or in the cars — you will find that most of them do not know very much about our laws relating to elections and comparatively few of them care

about whether there is a direct nomination system or the other plan. I think there are districts where the direct nomination system is very much desired; there are others where the people are entirely indifferent.

By Assmblyman HOWARD:

Q. Mr. Garcelon, isn't it a fact that the party organization in a party and the candidate for nomination, knowing that the minority party, or some other party, will later on hold a convention, will exercise greater care in placing a good man in nomination than they would if there were no other nominations to follow, under the convention system? A. I think there is no question about that.

Q. Well, now, hasn't this joint caucus or the direct primary with the joint caucus, in connection with it, the bill you have, done away with the incentive which might prevail to do that thing? A. I think that is one of the theories which works the other way practically. I don't think that this theory has amounted to very much in our experience in Massachusetts.

Q. Well, isn't it a fact that if a member of the minority party knew that a weak man or improper man had been nominated by a majority party, that he would accept, when he wouldn't become a candidate under direct nomination or joint caucus at all? A. We have had several instances, I think I can name in this State, where one party has by convention nominated a weak candidate and where after that minority party, which apparently had no chance of electing its candidate, has hunted around to find a good strong man who will appeal to the people and has nominated him and overthrown the majority party.

Q. And the opportunity for that is wiped out in the joint caucus bill? A. Is wiped out in the joint caucus bill. Although you understand that the joint caucus act does not entirely preclude the use of the convention system at the same time. Under our joint caucus act we vote directly for Representative of the General Court in the city of Newton and we also vote for delegates to a convention under the joint caucus act.

Q. Well, not for a Representative; the convention has nothing to do with the matter? A. Not for Representative, but it does

with Senator or for State delegates to the State convention. The joint caucus in itself does not eliminate the convention; the direct nomination does eliminate the convention. We have a combination of joint caucus act and direct nominations act in certain places and the election then is —

Q. Then your joint caucus in your State not only votes directly for some officers, but it votes also for delegates to a convention or other officers? A. For about four or five conventions.

By Assemblyman SCOTT:

Q. Mr. Garcelon, are those conventions held at the same time for different persons, persons elected — each caucus, Democratic and Republican, and State and county conventions; are those conventions held at the same time? A. Oh, no; sometimes they are held — the Republicans hold first and the Democrats last, or vice versa.

Q. So it does in some instances give an opportunity to select a man as against a weak candidate on the other side? A. In almost every instance.

By Senator MEADE:

Q. If the convention system prevails? A. If the convention system prevails.

Q. But it would not under the direct nomination plan? A. Under the direct nomination plan, of course not; that is, it might under the direct nomination plan if caucuses — if they are all joint caucuses.

Q. I am not referring to joint caucuses. A. Of course, under the joint caucus nobody knows what is going to be the result.

Senator MEADE: We are very much obliged to you, Mr. Garcelon, for this catechism.

Judge KNAPP: There is another gentleman, if your honors please, that I expected here, but he is engaged in court this morning, and he promised to come in as soon as he could get out of court.

Senator MEADE: We will take a recess until he comes.

Judge KNAPP: Yes.

Mr. WILLIAM F. MURRAY:

Judge KNAPP: I wish to say to the Committee that I expected to call at this time Mr. Vahey, who has consented to appear before the committee but Mr. Vahey is engaged in the equity term of the court and it will be impossible for him to come before to-morrow morning, so —

Senator MEADE: All right, proceed.

Mr. MURRAY: I would be very happy to appear as proxy for Mr. Vahey.

Judge KNAPP: Well, we are going to have Mr. Vahey, but we are very glad to have you, Mr. Murray.

Q. Mr. Murray, your residence is in the city of Boston? A. The part of Boston known as Charlestown.

Q. Is that within the city limits? A. Yes, sir; Charlestown comprises Wards 3, 4 and 5 of Boston.

Q. You have been a representative in the State Legislature? A. Yes, sir.

Q. In the lower house? A. Yes, sir.

Q. When were you? A. 1907-08, judge.

Q. You are not now a representative? A. No, sir.

Q. In these wards, 3, 4 and 5, did you say — A. Yes.

Q. — of this city the system of direct nominations has prevailed for representatives? A. Yes, sir.

Q. Since the law went into effect? A. Even before the joint Primary Law of 1903, we used to have a caucus of a very different sort at which caucus the direct nomination was made rather than the election of delegates to a convention; that was for representative only.

Q. Have you any convention in your city or wards now? A. Well, we elect delegates at the primary.

Q. To what? A. To the State convention.

Q. For the nomination of State officers? A. Yes, sir; to the county convention which nominates candidates for all the officers, district attorney, registrar of probate and insolvency, clerks of the various courts, and city officers; and I believe in one ward — no, that is wiped out now — but we elect delegates for these places.

Q. So that your county officers, et cetera — A. Clerks of the courts.

Q. Clerks of the courts, sheriff, registrar and so forth. These are all nominated by the convention system? A. Yes, sir.

Q. Delegates elected at these primaries? A. Yes, sir. We also elect each year — a call is sent out at the municipal primary election — the local people as a party meet at the call which is issued by the president of the Senatorial — of the State committee, either Democratic or Republican, and that convention elects delegates to the party committees in the State.

Q. Officers of the party committee? A. Yes, sir. We also have at the municipal primary election a delegation which is elected for attendance on the school committee at the convention; each party has a convention for the nomination of candidates for school board.

Q. So that the candidates for the school board are not all nominated by the direct nomination system? A. No, sir.

Q. Nominated by delegates to conventions? A. Yes, sir.

Q. Can you explain to the Committee why this distinction is made so far as the direct nomination is concerned, in favor of that plan of the Representative and Senator, and against the county officers' system, district attorney, sheriff, and registrars and county clerks, and school board; why that is left to the convention system and representative only, substantially that these committees are nominated by direct — A. Oh, that is part of the old system. In Suffolk county all the candidates for Senator are nominated by the direct system.

Q. Representatives and Senators? A. And Congressmen; in Suffolk, Congressmen; the three Congressmen are nominated by direct nomination.

Q. Well, let us have that clearly stated then; the officers that are nominated by the direct nominations system are members of Congress — in this city, I mean? A. Yes, sir.

Q. And your locality Senators? A. Yes, sir.

Q. And Representatives? A. Yes, sir; those are State officers and national officers; and also aldermen.

Q. Also the municipal officers? A. Yes, sir.

Q. Mayor and aldermen? A. In addition to that the Democratic — the Boston member of the Governor's Council is nominated by direct vote.

Q. He is the only one? A. Yes, sir.

Q. Well, how many are members of the Governor's Council? A. There are eight members in the Governor's Council.

Q. And the only one that is nominated in that way is from your district? A. Yes, sir.

Q. Of Charlestown? A. The Charlestown district comprises out of seven wards of Boston and four of Cambridge — and the Governor's Council districts are made up — that councilor district is made up of five Senatorial districts and the councilor district in Boston comprises five of the Senatorial districts, so that it is easy to apply the same machinery for the nomination of a candidate for the Governor's council in those districts that is applied for the nomination of candidates for Senator; and the nomination is made at the same time and in the same way. So that we have the three candidates for Congress from the three districts, the ninth, tenth and eleventh; the candidate for the Governor's Council from the third district; all the candidates for Senator in Suffolk county; all the candidates for Representative from Suffolk county, and the municipal officers in Boston with the exception of the members of the school committee, to-day nominated by direct primary vote.

Q. That is before the new charter which has just been — A. That is our present system — the new charter does not take effect until next year. It is to be voted upon at this coming election.

Q. That is the system of nominating officers that is to be voted upon; the law has been passed, has it not, and signed by the Governor? A. Yes, and does not take effect until the next municipal year which begins next February.

Q. Now will you explain in a few words what this discrimination of districts is made between the direct nominations plan for the officers you have mentioned and the convention plan for the county officers and members of the school board and State officers? A. Well, I would rather not say publicly anything about the reasons for the exception of the school committee — that is the first thing that occurs to me — I think frankly that the reason for the exception of the members of the school committee was because certain powerful influences, certain powerful men felt that that was the best system that they could get — the best men under that system and carry sufficient strength to make an exception — they caused the exception to be made. I don't attempt to criticise them for their judgment, or for their influence, or for their power. I

think that is the fact and I think any man who is familiar with the local situation would say that.

Q. Do you agree with the suggestion that the exception ought to be made in the case of the school board? A. Why, no, I do not. I do not see why it is not just as safe to entrust the people to nominate their candidates for the school board by direct vote as it is to nominate the candidate for mayor. It seems to me that while the office of school committeeman is an exalted office that it is not so much more exalted that you should have an exception made in that particular case.

Q. Your position is this substantially: That the members of the school board could be just as satisfactorily obtained — as satisfactory members by direct nominations plan as by the convention plan? A. I think so. I will say, however, that the plan, in my judgment, has worked very well. I think that we had until a few years ago a school board of twenty-four members and reorganization took place and the board was reorganized on the basis of five members nominated and elected, alternatively, and of course the election is by direct vote.

Q. This board, the election of the members of the school board under this plan has given good satisfaction, hasn't it? A. I think we have very good men and I think we would have very good members of the school committee under the other system.

Q. Wouldn't you think, Mr. Murray, that by the convention parties have been able to agree upon a Democratic member or upon a Republican member so as to make it substantially non-partisan? A. That is particularly so in that.

Q. In the school board? A. Yes, sir.

Q. Is that possible under the direct nominations? A. Well, I will only say —

Q. And under the primary that is in force in Boston? A. I think it is possible.

Q. Well, tell me how a Democrat can participate in nominating a Republican under the primary, or a Republican nominating a Democrat under the primary act? A. Well, it seems to me that in the same way that one can participate in the nomination of a member of his own party, or that is to say the process for nomination, original nomination, to get your name on the ballot at the primaries is to-day to get a certain number of signatures.

Q. Yes, and those must be of the party? A. Certainly.

Q. Of the candidate? A. Certainly. Well, if you are a good enough man to appeal to the leaders of the party it seems to me that you are good enough candidate to appeal to enough of the members of the party to get your name on the ballot in the party primaries.

Q. But when you came into the primary, if you are a Democrat you cannot vote for a Republican candidate? A. I don't understand that to be so.

Q. Here under this primary system? A. I don't understand that to be so.

Q. Within twelve months you are registered so that you declared what ticket you want? A. Let us not talk at cross purposes. The statement I understand you to make is that we Democrats cannot nominate in our primary anybody except of that party; that is to say that we cannot nominate a Republican as our Democratic candidate if we wish a Republican —

Q. I think that might be possible but he would have to be nominated, of course, by Democrats and would have to appear upon the Democratic ticket? A. Yes. If you are the choice of enough men to go to the party leaders to take you up and appeal to them it seems to me you are going to be good enough to have the party nominators to sign your petition.

Q. The party leaders might have something to say about that? A. I think they would if you wanted to. Of course I will say that I have never known under the Luce Law of a nomination being made under the direct primary plan.

Q. That is a nomination being made by the Democratic party — a nomination of a Republican by the Democratic party and vice versa? A. I don't recall just now, any instance of that kind. But I recall a statement made by one of our leading public men that even though he were a Democrat he would be able to get the Republican nomination under certain conditions this fall. I don't recollect, however, any instance where it has been.

Q. What is the prevailing party, that is in numbers, in the district in which you live? A. The Democratic party.

Q. To what extent? A. We have in ward five enrolled Democrats about 1,800; a little more than that, about 1,900.

Q. What Congressional district is that? A. That is the ninth Congressional district I am speaking about.

Q. And your wards are—. A. Ward five. The district that I represented in the Legislature, or tried to represent, wards four and five. The fourth Suffolk district, the district comprises two wards in the city of Boston and has three members from the district. Most of the other representative districts in Boston take in but one ward and have but two members to a district.

Q. Can you tell us about how many Republican votes are in ward four. A. I think—you mean enrolled?

Q. Enrolled voters I mean, electors? A. Well, if you have the Election Commissioners' report you would be able to figure it out.

Q. Well, perhaps you can—I am only referring to the vote that was got? A. Yes, well, I think there is around about four or five hundred Republican votes there, enrolled, but they never get out and make a —

Q. I think I can refer to it, Mr. Murray. A. I think they have got that number of enrolled votes in the district.

Q. Wards four and five? A. Yes, sir. But they don't vote anywheres near that many in the primaries. There isn't much interest in the Republican primaries in such wards as four and five, just as there isn't much interest in the Democratic primaries up here in the other districts in Boston.

By Senator McCARREN:

Q. Mr. Murray, did I understand you to say that under the direct nominations system that a Republican is not eligible for a Democratic nomination? A. No, indeed, Senator, but that is the suggestion that the judge made to me. I don't agree with that. I am very sure that is not so.

Q. Yes. A. Anybody can be nominated.

Q. Nobody barred? A. No, sir; anybody. You can write in the name which for instance is not on the ballot if he can get enough persons to write in a name or paste in a name.

By Judge KNAPP:

Q. To have it put upon this petition he has to file a paper — that is the candidate has to file it over his own signature, does he not? A. Yes, sir.

Q. As a candidate of that particular party? A. Yes, sir.

Q. I think he would have to do that in case of a convention nomination.

By Senator McCARREN:

Q. Judge KNAPP, I want to ask Mr. Murray at this time if in his experience in the Legislature any member in either House ever introduced a bill providing that the school commissioners should be nominated by the direct system? A. Not while I was in the House; while I was in the City Council it was attempted.

Q. Was that introduced in the Legislature? A. I am very sure it was, Senator, yes.

Q. Well, what was the fate of the bill? A. The bill was defeated, sir.

Q. In your opinion could such a bill pass the Legislature? A. No, sir; not under existing conditions.

Q. Why. A. Well, as a practical matter certain —

Q. Why couldn't such a bill in your opinion pass the Legislature, that bill providing that school commissioners shall be selected by direct nominations system? A. Well, I think it is a practical matter, as I said before, that there were certain influences, certain powerful gentlemen in Boston, who would have preferred to have seen the convention system in the case of the school committee, believing honestly, I am willing to say, that the best persons would be nominated under that plan.

Q. Under the representative system? A. Under the convention system.

Q. Well, that is the representative system as I understand it? A. Yes, sir.

Q. Under the convention system? A. Yes.

Q. That would get a better class of school commissioners under the so-called convention system than you get by the direct nomination system? A. Yes; that is, powerful influences believe that, and they have enough power to bring about the convention nominations — it is just suggested to me that under plan two, the direct nominations for the school board is to be made.

Q. Under the petition; that is, under the referendum? A. Under the referendum; there is the suggestion made, that under plan two, which may go through at the coming election.

Q. That is in the case of school commissioners? A. Yes, sir.

Q. Then there won't be a convention system; there will be a nomination petition of 5,000 registered voters for all officers?

A. Yes, sir.

Q. All officers? A. Yes, sir.

By Judge KNAPP:

Q. I understand that under this new charter there are two plans: One is the referendum and one is the convention system?

A. Yes, sir.

Q. As heretofore, and the other is the nomination of officers by petition of 5,000, the convention system? A. Yes, as heretofore — we do not have conventions for nomination of municipal officers, for instance.

Q. Not as heretofore, but such conventions as perhaps were in vogue prior to the convention that is proposed by this law?

A. Well, that has not become law, so therefore the plan has to stand until the election.

Q. Under the charter? A. Well, it also provides for conventions by wards of city councilmen, who are to take the place of aldermen. And plan No. 1 provides for a convention to nominate a party candidate, or nine party candidates for city council, and it also provides for the nomination and election by wards and one city councilman from each ward except two in very large wards, and such councilmen elected at large and by wards will join membership in one chamber, which will be composed of thirty-six members, twenty-seven by wards and nine elected at large.

Q. Now a question has been asked in that connection whether it is up to the citizens of Boston to adopt one or the other of these systems, or may they vote down both? A. No; there is no way except one or the other.

Q. One or the other must be accepted? A. The one that receives the greatest number of votes in the coming city election.

Q. The electors may not vote on both of them? A. No, sir.

Q. Now, going back to this vote on the primary again, Mr. Murray, I find that in Ward 4 of the Ninth district the Republican vote cast for member of Congress last year was 339 and the vote at the primary was 54? A. Yes, sir.

Q. In other words, the Republican vote cast was 354? A. Yes, sir.

Q. And the vote at the primaries was 55, or 693 votes cast for the Republican ticket (referring to book) — is that about the idea of the vote that was cast at the primaries in the minority party here? A. Well the enrollment figures in —

Q. This is not the enrollment, this is the vote, the actual vote. Well, you give the vote on election day and also the primary vote? A. Yes; you asked me the question if that is the primary vote.

Q. As to the general proportion in election districts where there has been a large majority in one party, what is your observation? A. About the proportion?

Q. About how much? A. Well, I don't think it is so disproportionate as that in Charlestown; the Republican interest in the Republican primary is not so great as the interest in the Democratic primary. In some sections, where the Democratic party is in the majority, it is much greater than the corresponding sections in Charlestown where there is a Republican minority.

(Mr. Murray confers with Counsel Knapp.)

Q. You notice this vote is very few, exceedingly small in the Republican primaries? A. Yes.

Q. Isn't that true so far as the minority is concerned in most cases, that the vote at the primaries is very small compared with the vote cast? A. Yes, sir; but I don't believe to such a large extent there where the Democratic party has been the minority party, in some sections of the city.

Q. You say, however, that the Democratic party is more apt to have active primaries where it is under like conditions? A. That has been so during the past few years, anyway, because of the attempt to obtain ward control, or retain or obtain ward control, of the Democratic party, the majority in Boston, even in a section where the party was in a minority, which has been thought desirable by various men.

Q. You mean factional control? A. Yes, sir.

Q. Factional control — so that the factional control of a ward brings out votes sometimes? A. Yes — when you say factional control —

Q. Where there is no chance to elect a candidate that shall be nominated? A. Yes. I think that is true to a greater extent in

the Democratic party where the party is in the minority than the Republican party, for the reason that the Republican organization in Boston has been, to my mind, rather hopelessly demoralized — take it throughout the city — since this Luce law has been in vogue. I don't think that has been true to so large extent of the Democratic party.

Q. You wouldn't agree, then, with some Democrats in the city who say that the Democratic organization is hopelessly demoralized because of the direct primary system? A. I wouldn't agree that it is demoralized for that reason. If it is demoralized I don't believe that is the reason.

Q. Were there some other statements that you wish to make, Mr. Murray? A. Well, I would like to call the attention of the Committee to the Democratic State platform of 1901, which says: "We favor the establishment by law in place of the straight party caucuses of a single board of election voted for under the regular election laws, at which a party candidate or delegation shall be chosen by means of the Australian ballot. Such a measure is the logical conclusion of a course of legislation tending steadily toward that end. It would greatly simplify and purify the operation of the nominating machinery and increase public interest in party action." I am quoting from a pamphlet now "Primary elections and direct nominations prepared for the Caucus Reform League," and in the beginning of the book is a quotation from Mr. Moody, a justice of the Supreme Court, which I think is pretty good — "I believe that all our county officers, the Representatives in both branches of the General Court, our city officers, our prosecutors, can best be nominated upon that act; upon the nomination under the Australian ballot system there is no opportunity for fraud, each candidate stands upon his merit, each one of the officers in question is so near to them that they have full capacity to judge intelligently upon those proposed for selection. I know of no single reform which to my mind promises so much public good as this."

Q. That was eight years ago? A. Well, I should say at least that; yes, sir. It seems to me that the only objection to the direct primaries — if I may conclude —

Q. Well, there is another question I wanted to ask you before

you get through, but you can go on and make a statement if you wish. A. That the only great objection which I have heard urged to the direct primary system —

Q. You mean the direct nominating system? A. Yes, the direct nomination system, is that it breaks down party responsibility and party discipline; and I have heard it urged pretty seriously by men in whom I have some confidence, not only as political leaders, but as men who are giving real thought and real study to this question. I can only say from my limited experience, not only from one who has fought the organization, but from one who has some small share of leadership in the organization during the past few years, that I do not sympathize with that observation; and further I do not see that party discipline is any worse in Charlestown, or party regularity is any worse in Charlestown to-day than it was in 1898 and 1899, along there, when the rival factions of my party in the city of Boston were having the terrible and bitter rows every time a nomination was to be made. Anybody will tell you, who is acquainted with Democratic politics in Boston knows that in 1899, when General Collins was nominated first for mayor there was a row between one wing of the party, the organization and the anti-organization forces, which resulted in the defeat of General Collins after the nomination had been made. The General was nominated, first nominated by convention system and we had the spectacle, as I remember it (much younger then); he received a majority of the vote cast at the primary and failing to receive the nomination because a majority of the delegates elected were opposed to it and that caused a suspicion in the minds of a good many people that the nomination act by the convention was not honestly made. I do not agree with that suspicion, but there was a suspicion; and the General was defeated by the Republican candidate, ex-Mayor Hart. I have heard it also said that good men won't run under this system. Well, I know that the direct primary system (I don't know that I am a good man, perhaps not), but I know that the direct primary system when it went into effect in 1903 was very welcome to me as a candidate then for the city council, and I was delighted with the operation of the direct primary. I am speaking not as a candidate, but as a practical worker and an ambitious

young fellow who wanted to go to the city council. The machinery we have provides for the enrollment list from year to year, where people know months in advance with a practical certainty just who is going to take part in your primary, and if you have the energy and activity, you can look around and you can see most of these persons and you can put your candidacy up to them several weeks in advance of the primary day. And I think that this opportunity to our young fellows in Boston — I have no doubt that the members of the Committee will be more or less surprised to meet so many young men in positions of responsibility in the Democratic party in the city. A great many of the young men have come to the front in the last five years and I think young men of a fine type, and I haven't any doubt that it is largely because of this direct primary system.

By Assemblyman CONKLIN:

Q. You believe then that the man should seek the office and not the office seek the man? A. I certainly do. I don't sympathize with all this talk about drafting candidates; I think that the man you have got to go out and draft, while in some instances he may be a good man — but I saw the "Man of the Hour" and it seems to me a practical illustration of the fact that the man who was the reformer and only the reformer, and has not had to go through the trials and get the training which comes from years of activity is not likely to have the understanding of the situation that the man who goes through the years of activity is. In other words I think that political problems require years of study just the same as other large problems and the men that should go — the man that has not had any previous consideration of those problems is likely to be a good man while he follows the advice of those men who have studied the problems, but he is not going to be the man ordinarily that will follow anybody else's advice, to observe it; he is going to be a man who feels that he was the "Man of the Hour" and may or may not go wrong, if his instinct and judgment are good; but if his judgment is not good he is likely to follow the advice of leaders, and when he gets away from them I think he is likely to get into some difficulty.

By Senator MEADE:

Q. Then you think, Mr. Murray, that the professional politician will make a better officeholder than the business man? A. Well, now, I don't know; the professional politician —

Q. Well, the professional politician you think will make a better officer than the business men and bankers? A. Well, of course, it depends on the politician and on the business man.

Q. Your general proposition — is that so, everything else being equal? A. With equal ability and equal honesty, and those things, yes. That is to say a man, a professional politician, if you are a business man, with equal ability and equal honesty, and the man, he being a professional politician, who has given years of study, and thought and activity, and energy to politics, will do much better than the man who comes from the fields of business to the fields of politics and attempts to solve political questions.

Q. Now as to public questions — A. Yes, given equal ability and equal honesty.

Q. (Cont'g) — a professional politician for mayor would do better than a business man or banker? A. With those limitations of equal ability and equal honesty; yes, I think that is true. A situation where you get a business man of equal ability as the other fellow.

Q. Of course, except for equal political knowledge, but he might have equal business ability and equal honesty? A. Yes, sir. Well, I really believe that these problems that the mayor has to deal with, or the Governor has to deal with, or that a Representative has to deal with, are large problems; they are certainly large — I gave a good deal of thought and study to some of the problems during the past year and after I gave that thought and study I felt that I was giving an expert opinion. If you take any man who comes in from business and does not give the same time and thought and study he is not going to be able to render such a good judgment as we fellows that are specialists on that question.

Q. In other words, you believe that the politicians should control politics? A. I do.

Q. And that direct nominations will assist in doing it? A. I think politics is a field for expert services, yes.

Q. And that the direct nominations will assist him in doing it? A. Yes, sir.

By Judge KNAPP:

Q. As I understand you then, do you think that the repeal of the old charter for the city of Boston and the introduction of the new charter, which abolishes the form or system of direct nominations, is a bad thing for the conduct of the municipal affairs of this city — the repeal of the old charter under which you had direct nominations and the introduction of the new charter, under which you will not have direct nominations as heretofore, is a bad thing for the city of Boston? A. I think the premises are wrong — under our new charter, or under the new charter we probably will have — we are much more likely to have direct nominations entirely.

Q. Well, the direct nominations under the new charter, the only direct nomination is the nomination made upon a petition of five thousand, isn't it? A. Well, that is even more direct than you have.

Q. That is not the same thing as the present primary? A. No, but it is even more direct than the present primary system.

Q. That is a petition that is signed by the people? A. Yes, sir.

Q. That is a petition circulated and signed by them? A. Yes, sir.

Q. It is not a caucus or primary in which people come to vote? A. No, sir. So that the nomination because of the fact that the only thing that is required — is more direct, nearer to the people, than the system which involves the intermediary of the primary. In order to get your nomination now you have got to get your nomination blank signed in the first place by the members of the party. That puts you on their ballot. And then you have got to go through the primary that you get your nomination assured by election. Under our proposed new system, plan 2, all you have got to get is 5,000 signatures and you are done.

Q. Then you agree with the view of the Finance Commission, which reported in favor of the nomination by petition? A. I would rather not say that now; I don't know much about that.

Q. Did you agree — did you vote upon these bills? A. I was not in this year's Legislature.

Q. One question has been asked with reference to the expense of candidates; what is your experience as to the expense of pro-

curing the nomination where there is a contest in your own district? A. In my first fight, in two wards it cost me sixty or seventy-five dollars; those wards comprise a voting population or primary of a little over 3,000.

Q. In other words you got people to go to the polls simply by asking them to? A. Yes, sir.

Q. Did you hire workers? A. No, sir; not in that fight.

Q. Well, did you in some fight? A. Oh, I have hired workers, yes. There are six precincts in each one of our Charlestown wards and there have been times when I had to hire workers and all that sort of thing.

Q. Have you had fights that cost you more than sixty or seventy dollars? A. Yes.

Q. I don't want — A. Oh, I am glad to oblige.

Q. I want to get at the facts, that is all. A. The usual ward fight — it depends, of course, upon whether you have got the organization or not. When you have got the organization you don't need party workers perhaps in that case.

Q. You mean the organization can control the nomination practically? A. No, I don't mean that. I mean it usually does. Very often it does not. It did not control the nomination to the city council. I was trying to go to the city council and I had to fight the organization of the county of Suffolk. In those fights it cost me —

Q. What is the experience of the men who are contesting the office under this direct nomination system we will say, in such wards, as to the expense of it? A. Well, it costs him — I say it depends upon whether he has got the organization or not. If you have got the organization the expense is very little. If you have not got the organization the expense is — you have to make the ward fight, you have got to send out circulars, you have got to pay the workers, you have got to have one man in a precinct to tell your friends to come and approach the fellows that are coming how to vote.

Q. Isn't the expense very much larger in very many instances? A. Oh, yes.

Q. Much larger even than the salary that is obtained by the successful candidates? A. Oh, I have known of men who have

spent — well, a large amount of money to go to the Senate, we will say seven hundred and fifty dollars. I think a conservative estimate of the cost of the nomination for the Senate in the district which I come from to-day is at least two thousand dollars.

Q. For a seven hundred and fifty dollar position? A. Yes, I think that is a conservative estimate of the cost of going to the Senate.

By Senator MEADE:

Q. Under the direct nomination plan? A. Yes, sir. It cost — Senator Shaw may disagree with that — I don't know, that that is so; I never ran for the Senate and I cannot say that it cost him nearly three thousand dollars to obtain his seat in the Senate.

Q. Under the direct nominations system? A. Yes.

Q. All a man gets out of the game is simply the honor, I suppose? A. I suppose so, yes. (Laughter.)

Q. Having no reference to individuals, of course.

By Senator MCCARREN:

Q. What in your opinion has been the net result in the city of Boston under the direct nomination system; I mean by that do you think that it has made for good, or that it has made for the result of good in the matter of the selection of the officials that were selected under the direct nominations system? A. I think that many, as I said, young men of a good type have come to the front in different sections of the city largely through the direct primary, and I think there has been some instances where nominations have been made under this system which would not have been made under a convention system.

By Senator MEADE:

Q. You consider some of them poor nominations? A. Well, I would say that some of them are usually considered poor nominations. I would rather not discuss the local political conditions at the present time. (Laughter.)

Q. You will pardon us if we ask some pretty close questions. A. Certainly, I am sorry that I cannot answer that more fully.

By Judge KNAPP:

Q. Is it possible to say, Mr. Murray, that the young men that you cite, these men of good parts, industrious and ambitious, might not have secured nomination under the convention system?

A. Well, I will only say that I think —

Q. I don't mean the particular nomination, but possible nomination a year hence by putting up a good fight against the organization that would recommend him to the community, as a rule? A. I don't believe that follows. I think that the average of the Boston men in the Legislature to-day — I cannot speak of this year because I cannot tell of 1909 — was a little bit better than it was ten years ago. I did not know the men of ten years ago so intimately, but I know who they were and know about them. I think the men from Boston, the average Boston Representative to-day was a little bit better than he was ten years ago.

By Judge KNAPP:

Q. Do you attribute that to direct nominations? A. Yes, I am making that point.

By Senator MEADE:

Q. How many Representatives are there? A. There are about —

Q. I mean in the whole State? A. Two hundred and forty.

Q. And how many of them are nominated by the direct nominations plan? A. I don't know. At least fifty. That is Suffolk —

Q. Then you think —

Judge KNAPP: One hundred and one.

By Senator MEADE:

Q. Do you think that the Representatives nominated by the direct nomination plan, in the present Legislature, are any higher class of men than those nominated by the convention system? A. Well, I don't know enough about the present Legislature to answer that. Some of the others who are here I see now can probably answer that better. I only speak about the plan for Boston.

Q. You were there last year? A. Yes.

Q. How was it last year? A. Well, I don't know. I understand that there were 101.

Q. Well, I don't care how many there are, but will you say that the men who are nominated from different parts of the State by the direct nominations plan were any higher class men than those that were sent there being nominated by the convention plan? A. That is a question that I cannot answer, because your last definition does not suggest anything to me; that is to say, I have not clearly in mind the men of 1908 who were nominated by the convention system as distinguished from the men who were nominated by the direct primary. The only men I know that were nominated by direct primaries were the Boston men; I can think of those men and I think they compare very favorably with the membership of the House.

Q. But you wouldn't say they were any better? A. No, I wouldn't say that.

By Assemblyman HOWARD:

Q. There was not difference enough, Mr. Murray, so it could be determined from observation and conduct of the General Assembly, who were nominated by direct primary and by convention? A. I don't suppose there was, no. But I will say this, gentlemen, as I remember it, the leaders — the men like Garcelon — even though he opposes direct primary; Garcelon is the product of direct primary.

By Senator MEADE:

Q. He is an organization Republican, isn't he? A. Surely.

By Judge KNAPP:

Q. You once had an organization fight? A. Yes, sir.

Q. So that since your fight against the organization you have either taken in the organization or it has taken you in? A. Yes, sir.

By Senator MEADE:

Q. Mr. Murray, do you believe, or do you not believe, that Mr. Garcelon could have been nominated under the convention system? A. I think he could be nominated under any system in Newton.

Q. So you do not think that the direct nominations is responsible for Mr. Garcelon's presence in the present Legislature? A. I don't believe so.

By Assemblyman HOWARD:

Q. Just one more question: Is there any relative difference between the activity or the strength of the minority and the majority parties in the city of Boston under this system? A. If there is any difference in the activity?

Q. In the activity and relative strength of the minority and majority parties. In other words, has the direct nomination system strengthened or weakened the minority or majority party? A. Well, I think that the direct nominations system has increased the voting strength of the majority party in Boston, even though it may not have strengthened the party throughout the State; and I think that certainly the Republican party is very greatly demoralized, has been the last few years, from an organization standpoint, in Boston.

By Judge KNAPP:

Q. Is that a good thing? A. No, I don't think so.

Q. It is a good thing to have two dominant parties, is it not? A. Yes; but if you are going in the — you may claim that it is a good thing to have two dominant parties if you are going to have any.

Q. Then you do believe in party organization? A. I do, yes.

Q. Believe in government by party, do you not? A. Yes.

Q. And party responsibility? A. Yes, sir.

Q. Now, then, if the tendency of the direct nominations plan is to demoralize the minority party is that a good thing? A. No.

Q. If it is a fact — A. But is that the fault of the system or is it the fault of something else?

Q. Well, it seems to be claimed, at any rate, by the minority members, that their party becomes disorganized by the direct nominations plan? A. I will say this, that the minority party, the Republican party in Boston, and at least one section of Boston, has been strengthened by this plan; I think the Republican organization in Ward 10; that part of Boston known as Ward 10 has been strengthened by this plan.

By Assemblyman HOWARD:

Q. Well, the majority party of that particular ward? A. Yes, sir.

Q. Then that proves that only? A. I think so.

Q. That the minority party is demoralized and the majority party in any particular political division is strengthened? A. Except that the minority party in that particular ward, I do not believe, is any weaker to-day than it was before this system went into effect and the majority party is stronger because perhaps it is more compact, more well organized, even though the numbers may not be any greater than they were under the old system, they are more closely together, better knit together, and they may have attracted any new voters that came into the primary since this system.

Q. Then in a negative way it has injured the minority party, hasn't it, if the majority party in a political subdivision can become so well organized as to attract the new voters moving into that political subdivision; in a negative way it injures the minority party? A. I suppose in that way it does.

Q. Well, the theory of our form of government, from the national down, is that the nearly evenly balanced political parties have kept us going pretty nearly straight? A. Yes.

Q. Well, then, if you build up one of these parties and weaken the other party, have you not endangered the form of government in that way? A. Yes, I suppose that is so.

By Judge KNAPP:

Q. The aldermen are nominated by the direct nominations system? A. Yes, sir.

Q. All city officials? A. Yes, school commissioners — I want to say there, before I make that — that when I answered your questions about politicians to my mind I include among politicians men like Henry Cabot Lodge, because his life has been given to the State.

By Senator MEADE:

Q. Organization leaders? A. I don't mean to include politicians, just local politicians, of course.

Q. That is the way I understood you. A. The word "politician" does not have any idea of disrepute in my mind — from the way you suggested it to me I want to make the explanation.

Q. I take it just as you do. A. I think politics is a very honorable profession, although I am in the law.

By Judge KNAPP:

Q. Mr. Murray, from your observation of this system do you think it would be a desirable thing to extend it to the county officers and to the rural districts of this State? A. I certainly think that a system that is good enough to nominate the mayor of Boston and members of Congress and such responsible officers as those is good enough for county officers and for members of the House and Senate from rural districts.

Q. And you do not believe in this idea then that it is a good thing for compact, congested districts and not a good thing for rural districts? A. No, I do not.

Q. And territories which — A. No, sir; I don't know anything about the rural districts except what the fellows that are in the Legislature may tell me about it; but take the district that is made up of Haverhill and several small cities and towns, Haverhill being a large place — I think that you could, under this system, get a much nearer approach to the equality of representation than you do.

Q. What would you say as to a district that covers Berkshire, Hampden, the district in the western and southwestern part? A. As I say, I only know about those districts as they are told to me, but take the case of a district like Haverhill and the small circle of towns — there you get the city of Haverhill, which elects delegates say to a Senatorial convention from some or all of the wards of Haverhill; each ward entitled to so many delegates, and delegates elected from several of the small towns in the convention. The small towns get together and may be able by delegates, through their delegates, to make a nomination which would never be made under the direct primary system. It may be a good nomination, but it is not the nomination which the people of that district would have made if the matter were up to them. I think that under all these systems there are going to be mistakes, apt to be mistakes of nomination. But if there is going to be mis-

takes we ought to allow the people to make their own mistakes if they want to.

Q. Even to the detriment of the government itself? A. Well, if it was making nominations now — it was suggested here just before I came in that the great difficulty with this system is it removes the possibility of drafting candidates, to allow the responsible leaders to get together and make nominations. Well, now, no matter how responsible leadership may be it is a fallible leadership and might make mistakes and very often does make mistakes, and if the leaders — if we are going to have anybody make these mistakes, at least trust them to the people and not these leaders.

Q. Give the blame to the people and not to the leaders? A. I think so.

Q. Is there a Professor Monroe in Harvard? A. Yes, sir; a very keen student of municipal questions.

Q. What position has he taken on this subject, do you know — Professor Monroe of Cambridge? A. I went to the law school — I do not —

Q. It is said — I don't know whether it is true — that he had a debate with Mr. Luce upon this subject last year, in which he took the opposite view from Mr. Luce; do you know about that? A. I don't know, I am sure; I never heard of it.

Q. Do you know Professor Ford of Princeton University? A. I have heard of him.

Q. Have you read his article in the "North American Review" in which he takes distinctly the opposite view as expressed by you? A. No, I have never read it.

Q. From his observation and experience? A. No, I have not read it.

Q. Do you know President Schurman of Cornell University? A. Yes, I have heard of him.

Q. He has made an examination of this subject and takes distinctly the directly opposite view, from his observation and experience. A. Yes. Well, my experience covers thirteen years. As a matter of fact, of course, anybody's observation of these things, if it is local, is going to be — is bound to be affected by temporary conditions.

Q. Local and temporary circumstances and conditions? A. Temporary conditions. Your Committee comes to Boston at a time when there is a great deal of criticism of the charter — where Democratic — events. I don't know that is fair to criticise the system because of some things that have happened in this city. The system may or may not be responsible. I think it is not easy to determine.

Q. The view of the Finance Commission is substantially unanimous that the system is really at the bottom of the troubles of the city at the present time, in their report? A. Well, I do not like to disagree with the Finance Commission.

Q. But I say that is their view as you understand? A. Yes, I understand it is.

Judge KNAPP: I suppose the Committee understand that at a quarter to one they are to go to luncheon together?

Assemblyman MEADE: Yes.

Judge KNAPP: The members of the Committee and of the staff connected with the Committee, between now and the next ten minutes — a quarter to one — I have an appointment with a gentleman who has stated his willingness to be with us and I would like to see before — I want to talk with him. If you will excuse me and take any statement that you desire, I will retire.

Assemblyman PHILLIPS: All right.

Judge KNAPP: Yes, thank you.

By Assemblyman SCOTT:

Q. I assume from what you have stated here to-day it is your observation of direct primaries and also the election law has been entirely confined to the metropolitan election district? A. Yes, sir.

Q. Your personal observation? A. Yes, sir.

Q. Now do you think the situation is entirely the same in rural districts, which are spread over a large portion of the country, as it is in congested districts? A. As to how?

Q. Do you think the same conditions prevail? A. I don't know except as I told you —

Q. In other words, what I am getting at is that the opportunity for knowing people in communities are as handy and satisfactory

in rural communities, in rural counties of the State of New York, forty miles by twenty, you think the opportunities in those counties are good for a candidate to be passed upon by the people as they are in a congested ward of the city — where there is no opportunity for personal conference? A. No, I don't suppose they are.

Q. Then it makes a difference, doesn't it, in the application of direct primaries what the opportunities are for the people to come into contact with the candidate as to whether he is improper or not? A. Well, you know in a big city ward —

Q. Doesn't it make some difference as to whether the people have some opportunity of becoming advised as to the propriety of the character of a candidate? A. Yes, but I think — I want to add that in the city wards of Boston the man who knows everybody and whom everybody knows is the exception rather than the rule. You have got to go on a campaign for the nomination in Boston just the same as you have got to campaign out in the rural districts.

Q. Now in a campaign — A. The territory is smaller, the population is generally larger; and that is just as hard to gather in.

Q. What is the population of the two wards? A. I believe now the population has got to be 8,000 in the three wards. In my district, the Representative district, is about 4,000.

Q. That is the Representative district? A. Yes, of course. I think a little over 3,000 voting at the Democratic primary.

Q. How much territory does that district cover? A. Very, very small, less than a mile square.

Q. Suppose that was 120 miles square and there was a small number of people; what do you think their opportunity would be to become acquainted with a candidate, and judge for themselves, and exercise their own individual judgment as between any two or three or four men, as to which was the most desirable candidate? A. Well, I only know from trips through the country.

Q. I am asking your opinion under those circumstances? A. Well, based on what little knowledge I have, it seems to me that the fellow who is known in the country is known to everybody.

Q. Oh, no; oh, no. A. Well, I say, based on what limited knowledge I have.

Q. Well, I am trying to put some questions as it is under other conditions? A. But, sir, you are putting up to me a question that I probably do not have the knowledge to tell you about.

Q. You wouldn't dare to express an opinion one way or another? A. I don't care to express an opinion because I don't know.

Q. I mean as a question of principle, not as one of fact? A. Well, if a fellow is not so well known, of course it may not be as good as the convention system; if he is not so well known — it is for you to say whether he is as well known, as well known or less known.

Q. Do you think the opportunities would be as good for nomination, everything else being equal? A. Probably not; I don't know.

By Senator MEADE:

Q. May I ask you one more question, then we won't prod any more. Assume a Senatorial district, comprising half of a city of 200,000 people, and added to that half of a county of 50,000 more people, do you think under the direct nominations system it is practicable for the nomination of a Senator in that district? Half of a city with a population of 200,000, which will give 100,000, and half of a county containing a population of 50,000 more? A. Adjoining county — adjoining territory?

Q. Do you think a direct nomination plan would be practicable? A. I think so, I think it would be a splendid chance to test it.

Q. Well, I don't mean test it; but in your observation of the working of the system, do you think it would be workable in a territory of that character? A. Yes, I think so, at least in the Senatorial district from where I come, two wards of Charlestown and three from West Cambridge, and one ward in East Boston, or rather part of Boston; I think the direct nomination system is a good system for that district, and it has worked —

Q. Do you think it would work better in that district that I have described than the convention system so-called, so you think you would get a better class of candidates? A. No better, no worse, no.

Q. There wouldn't be any change in your opinion? A. Well, the same men would be candidates, so far as I have observed.

Q. And the result would be about the same? A. I think this: that one man — I am just going to answer, yes, I think that one man that got to the Senate from that district on the direct primary system probably would have gone under the other system.

Q. Well, should he have gone? A. I am not going to answer that question (laughter), in spite of the fact that I helped to send him, I would rather not answer that question.

By Assemblyman SCOTT:

Q. Don't you think sometimes, in the administration of the State government, questions arise where the interests of the country and the municipality to a certain extent are opposed to that and the rural community? A. Oh, yes; the only thing in this system that I have had against it is, we don't have to declare party principles or party platform under this system of direct primary nomination; there ought to be an opportunity to have convention.

By Senator MEADE:

Q. Do you think that is against the system? A. Well, it is for this reason, that in order to get the nomination, one must go out and explain his principles and his ideas and tell what he stands for and why he stands for it, and that takes the place of all discussion and takes the place of all party platform, and these discussions to the people.

Q. Doesn't this plan really mean two campaigns for the candidate? A. Usually, the whole thing is the nomination.

Q. Doesn't the contest for the nomination, and for the election, doesn't the direct primary plan mean a dual campaign for the candidate? A. Yes.

Q. And dual expense? A. Unless in these districts —

Q. Of course, there are some — but it means a dual campaign and a dual expense? A. Yes.

By Assemblyman SCOTT:

Q. What do you think of the system which is proposed to leave the declaration of the party platform to a body of committeemen elected from the State at large, together with the candidates that

were nominated, so far as its effect on party principles? A. Probably I made myself —

Q. In other words, suppose you had a system whereby it was proposed to elect a committee and then nominate candidates from that committee, and the candidates get together and make a statement of the committee after the nomination has been made — no further opportunity for the people to pass upon the bill; what would be the effect of that upon the preservation of party and party principles? A. The effect of that upon the platform would be to do what the candidates wanted.

Q. In other words, he puts his ear to the ground to listen to the rumble? A. It makes men individuals rather than members of the party, but I think that is well overcome by the primary discussion before his nomination is made.

By Senator McCARREN:

Q. Well, under this system according to what you say about the attitude of the candidate and direct nomination system, the candidate for the Senate in Boston, could make his campaign on a prohibition platform? A. Yes, sir.

Q. In the Senatorial district in the city of Boston? A. Yes, sir.

Q. And thereafter his State convention, could come together and declare in favor of anti-prohibition? A. Yes, sir.

Q. So that he was really putting himself outside of his party. How do you reconcile that statement with the theory that direct nominations is intended to preserve the discipline? A. If the party discipline in the district is so bad as to run absolutely counter to the party platform, it appears to me it is rebel territory, if I might use the word. Well, that fact is simply brought to the public attention by the nomination and election of a candidate opposed to the party; it would be brought out, I believe, under any system.

Q. That would not naturally follow; the only conclusion that could be drawn from your premises is that the direct nomination theory is absolutely destructive of the caucus system in party conventions? A. Not so, Senator —

(Mr. Murray conferring with Senator McCarren.)

Q. If this man at a party caucus where he was nominated failed

to ratify the party platform of the State convention how could he be endorsed? A. I doubt that very much — the man would have to go out and make his fight that he opposed the party platform.

Q. Suppose he made his fight on some ism; some notion, some theory, some principle of his own, and the State convention declared against him he would be outside the party. If he had won his nomination on the principle antagonistic to the party declaration, he certainly would be antagonistic to his party? A. Yes, that is so.

Q. Could not be endorsed? A. Yes, that is so.

Q. But under the convention system, when an independent and not a party nomination has been made —

By Assemblyman PHILLIPS:

Q. When an independent under our old system is nominated and elevated he, too, is outside the party, he owes no allegiance to any party? A. He owes no allegiance to any party. Take the case where a man is in a party and at a caucus under our old system was defeated and then ran as an independent.

By Senator MEADE:

Q. He is out of his party? A. That may be your idea, but it is not our Boston idea. Of course we have not had any independents to speak, and a successful independent candidacy under this system; this system has eliminated very largely the independent candidacy.

Q. That is the general effect of direct nominations? A. That has been its general effect, as I have observed it.

By Senator MCCARREN:

Q. No question at all but it minimizes independent candidates? A. Certainly. But still at the same time, if it does one thing it must do the converse, which is that it maximizes party candidates, the majority party might have, I think, forty Senators here in Massachusetts; you might have nineteen of them elected on a platform that would be negative and repudiated by the party convention when it meets in its State convention and you would have nineteen men outside of your party organization who would be acting

independently of the twenty-one who formed the majority, and were pledged to the principles laid down by the State organization. So I simply want to call your attention to the impossibility of reconciling the proposition in one case that it is conservative of and productive of party prestige, and in the other case where the candidates were elected independently of party principles that they certainly must get and keep conservative and independent at the same time? A. I can only say in answer to the Senator that I believe it has certainly strengthened our organization and its discipline and loyalty in the district. This was in the election district in the ward as I pointed out, in ward 10, I think the Republican organization is stronger there, under this system, than it was before this system. It may be true that it affects in the larger organization, the municipal organization or the State organization is destructive but it seems to me that the first step toward getting an effective municipal organization or an effective State organization, is to get an effective organization in the subdivisions or wards —

Q. That is where they subscribe religiously to party belief that is true, but they cannot subscribe religiously to party belief where there are representative various constituencies, the opinion of which may run counter to the majority opinion of the party in the State. It seems to me it would be rather destructive of party principle rather than preservative of it.

By Assemblyman HOWARD:

Q. Let me ask you this, Mr. Murray; the thought occurs to me, does it become necessary for a candidate under the direct nomination system where there is no party platform or declaration to take such a positive stand upon questions of importance, as to partially disqualify themselves from showing real good judgment when it comes to act upon those questions. In other words two men of equal ability, running upon one system wherein he must state his platform, and another running generally upon the party platform, would the one where the candidate fixes his own platform, and feels obliged to make it strong because the conditions in his district demand it, so that he could, perhaps, exercise the same judgment that he might under the general platform — now I don't know that that ever occurred, it just occurred to me whether or not that might

happen? A. I think he would define himself or commit himself to certain policies which he might not have submitted.

Q. In other words he does not have the same opportunity to express himself and to answer objections while he is a candidate that he obtains afterwards when he gets into work? A. Yes.

Q. By making individual declarations he is liable to tie himself up? A. I don't think that is in many cases liable to happen.

Q. No, but it just occurred to me that it might happen.

Q. Does the general system here in Massachusetts where it has been in operation for candidates use much space in the newspapers?

A. In the Congressional office in my councillor district, I had about the same vote that the member of Congress had in that council district that fall. They spend four or five hundred dollars to get my name in the papers — I knew the other fellow would, I believed the other fellow would. That is one of the defects of the system, has been one of the defects of the system, but whether the expense of newspaper advertising and that sort of thing is greater than the expense of a convention system I don't know.

Q. You never were a candidate for any office under the convention system? A. Only for delegate to convention and that sort of thing.

(Mr. Murray confers with Committee.)

Senator MEADE: We will take a recess.

Recess until 2 o'clock.

AFTERNOON SESSION — TUESDAY, JULY 13, 1909.

Senator MEADE: We will proceed, gentlemen.

Judge KNAPP: Gentlemen of the Committee, I am very glad of an opportunity to present to you Mr. Mathews. He has given this subject considerable study.

Mr. NATHAN MATHEWS appeared before the Committee:

By Judge KNAPP:

Q. Mr. Mathews, you reside in the city of Boston? A. Yes, sir.

Q. How long have you resided in this city? A. Fifty odd years, sir.

Q. You were recently, I believe, given the degree of LL.D. at Harvard at the last commencement? A. Yes.

Q. And have you held political position in the city? A. I have.

Q. What? A. Mayor of the city four times.

Q. The term of mayor here is two years? A. Two years, now; it was one then.

Q. It was one year at that time? A. Yes, sir.

Q. Was there occasion, Mr. Mathews, when you were appointed on a finance commission? A. That was two years ago.

Q. By whom? A. Appointed by the mayor of the city at the designation of the Boston Real Estate Exchange.

Q. Who were your fellow members on that commission? A. Mr. John A. Sullivan, a member of Congress, was appointed the same way at the nomination of one of the mercantile bodies of the city, I have forgotten which; Mr. George O. A. Ernst, a member of the school board; Mr. John F. Moors, Mr. Randall G. Morris; Mr. George U. Crocker, late Deputy State Treasurer for some years, and Mr. Kennedy, nominated by the Central Labor Union.

Q. Were those gentlemen composing this board all of one political party? A. No, there were five Democrats and two Republicans.

Q. The understanding is that you were one of the Democratic members? A. Yes, sir.

Q. Now there are seven; five Democrats and two Republicans? A. Yes, sir.

Q. This finance committee made a report in January, 1909, did it? A. They made a great many reports, sir; they made one in 1909.

Q. That is what is called the final report, 1909? A. Yes, sir.

Q. That report is addressed to the mayor and city council, and also to the Senate and House of Representatives, in General Court assembled? A. Yes, sir.

Q. The report appears in the printed copy which I have (producing book), in which you addressed to the mayor and city council to be signed the finance commission, by Nathan Mathews, chairman, and in a statement since to the Senate and House of Representatives, it is signed by six of this body, Mr. Kennedy not joining in the report? A. Yes, sir.

Q. At that time? A. He submitted a dissenting report which is incorporated in the document which you have.

Q. I will ask you, without going over that minority report, the dissenting report of Mr. Kennedy, does that cover the suggestions made by the committee, with reference to the conduct of the primaries for the nomination of candidates for municipal officers? A. I can't say that he assented to what is said on that subject, but if my memory serves me, he agrees with us in our recommendation on that point. I think all the members of the commission were agreed on that one point.

Q. Will you state, Mr. Mathews, to the Committee what your committee did in substance, by way of investigating the system of nominations in vogue in the city of Boston, under what is known as direct nominations plan, and the joint caucus system? A. It would be difficult to say what we did on that particular point. We were in existence for a year and six months and devoted during most of our time, the latter part of it all our time, to the consideration of the theories and problems that had been submitted to us, and in particular to the problem presented by the systems of nominations which were then important. We studied that as carefully as we could; looked that all over; looked into the laws, and more especially into the practices which had grown up under that system.

Q. How long had that system been a system practiced in the city of Boston for municipal officers at the time you made this investigation? A. Well, for varying periods for different officers; I should say at large and on the average, nine to twelve years; something like that. I don't remember exactly.

Q. That system, as I understand it, succeeded the ordinary delegate and convention system of political parties? A. Yes, sir.

Q. And was adopted by the Legislature making it mandatory in the city of Boston? A. Yes, sir.

Q. As the result of your report was there a bill planned for the Legislature's consideration last winter? A. Yes; we submitted a brief of a new charter or rather, to speak more accurately, certain amendments to the existing charter.

Q. And can you state whether that bill covering the charter substantially as submitted by you was adopted by the Legislature? A. It was with one or two exceptions.

Q. In the new charter in the city of Boston, I understand that

there are two questions to be referred to a vote of the people for the methods of nominating municipal officers. Will you state what those two methods are that are recommended? A. The greater part of the bill was enacted into law by the Legislature, or for the greater part. One or two features, however, were reserved for popular decision at the city election next November, in the form of an alternative referendum, including two plans, known as plan No. 1 and plan No. 2. Both plans go right to the present — to that party primary system, which would be abolished, anyway, for the mayor. It is abolished for the mayor and the members at large of the new city council. There is an alternative out before the people to say whether they shall go back to the convention, to the delegate convention system, for the nomination of those officers, or whether there shall be no party conventions at all for municipal office in the city.

Q. And that is the nomination by petition of 5,000 voters?

A. Yes, to be designated by party designation.

Q. Now, Mr. Mathews, will you state to the Committee the conclusions which you reached, the reasons which actuated you and your committee, so far as you know, in recommending to the Legislature the abolition of the so-called direct nominations system for municipal officers in the city of Boston? A. I should think those reasons were fully set forth in that report, Judge.

Q. They are quite at length and I propose to use your report a little later. I would be glad, and I am sure the Committee would be glad, to hear an expression from you covering in a general way the reasons which constrained you to present this report in this form? A. Well, it would be somewhat embarrassing for me to enlarge on this report; if I am expected to recite the motives and considerations which actuated the commission as a whole, I think I must decline to do that. I can give you my personal views.

Q. Yes. I do not want to trespass, of course, in the matter, but may I ask simply for you to say whether or not it was the conclusion of the committee, after this examination into the results obtained from the direct nominations system in this city, that it was unwise to continue it in the city of Boston? A. Yes, we were all agreed on that; we thought on the whole question that the system had been an absolute failure; that the character of the

nominations had steadily deteriorated, and that the nominees had ceased to be representative men in either of the parties.

By Senator McCARREN:

Q. In either party? A. Yes. And that that system should be done away with, anyway.

By Judge KNAPP:

Q. Now, Mr. Mathews, considerable has been said here about the government, government by parties, and I think that most men who have come here have claimed that party organization is desirable, so far as certain conditions in the country, at least, of government, are concerned. What was your observation as to the effect of this direct nomination system in Boston upon party organization, properly so called? A. You ask me for my personal views or for the —

Q. For what you ascertained. I think some of them were set forth in this report, but I am not sure? A. I don't think, Judge, that I should be asked to give anything except personal views, because I cannot —

Q. Of course; I am only speaking, Mr. Mathews, now at the present time — I do not ask for the views of the other members of the committee, only as we shall, perhaps, have some of them here.

Senator MEADE: Get that in the report. Anything you say here will be considered as personal opinion.

Judge KNAPP: That I understand. Of course, he expects the Committee to get that best from the report itself, practically.

Senator MEADE: Yes.

The WITNESS: We were agreed on the substance as to what ought to be done. We agreed that the present direct primary nomination system had been a great mistake. And I do not think it would be proper for me to say that each one of the committee had in all respects the same views, the same reasons.

By Judge KNAPP:

Q. Well, I, perhaps, ought to make myself clear. I do not want to be understood as asking the special views to the effect

of this system on the so-called party organization. A. You are asking for my own views?

Q. Yes. A. It has been destructive of party organization and party representation as well ever since the system was introduced in this city for city offices and municipal offices; there has been a complete disruption of the party — that has been apparent of party principles, and as I said, an absolute disintegration of party organization. That is the inevitable —

Q. State whether it has been that, Mr. Mathews, so far as the operation of this law in other parts of the State, and as to other officers, municipal officers, in the city of Boston? A. It has very distinctly had the same effect upon the men elected from Boston to the State Legislature. And it works this way, if I may explain for a moment: There being no convention there is no body of men to declare the principles of the party, and there is nobody to whom the nominees are responsible, and the party as a whole cannot be held responsible, because the nominations go to individuals calling themselves Democrats or Republicans, as the case may be, who go around and get their own nominations at the primaries by various more or less underhand methods, and when nominated and when elected they recognize no responsibility to them. They cannot be held responsible, because they do not get the nomination from a party organization. They get it from the voters themselves at the polls, at the primaries. So that the logical and inevitable result of the practice is destructive of not only the party machine, whatever that may be worth, but of all idea of party discipline, party responsibility and party principles. There isn't anything of it left after this system has been in operation for several years. If you are going to help the party government at all, you cannot get it by means of direct primary nomination, direct party primary nomination. You get simply government of individuals, and factions, calling themselves one thing or the other, as the case may be. But you get no true party action or party responsibility or party discipline in any way. That is the way it is intended to work by most of the gentlemen in favor of it; they do not want to be governed individually. Although this is a delegate or a party government, then men able to fill State and national offices want to see real government, and that you

cannot get by any such system as this. It is a negation of party government.

Q. So far as the obtaining of a nomination is concerned, is there a campaign of principle or personality that has to be proceeded with in order to secure the nomination? A. No, there is no opportunity for any campaign of principle, because there isn't anybody to declare the principles and there is no convention. We used to have, even in municipal politics in Boston, we used to have party platforms, but you cannot have them to-day, because there isn't any conventions to declare them. It is the same way in the senatorial districts and in the representative districts. The real people do not have a platform, because there isn't any platform — one man goes in the Legislature or the city council and acts as he pleases; there isn't any party to hold responsible. He isn't responsible to any party but himself, and no party is responsible to the public at large for his vote.

Q. Is it the result of your observation, and experience, that the mass of intelligent voters will concentrate on any one particular individual as a candidate for office under this system? A. Well, in practice nominations are found now going to men who are so anxious to get them that they will spend their time and their money in promoting their own individual interests. Of course, nominations go, under any system of politics, to a great extent to any one, but in the end and on the average a great many nominations are not got until the convention has been held by the caucus system called and convened, and then, with opportunity for debate and discussion, conference, negotiation and compromise. Now all those features of the ordinary political campaign, as we have been accustomed to it for years and years in this country, are wiped out by this system. The nomination, the caucus and the primaries are confined to men who are not simply ordinarily receptive of political honors, but to men who want them so much that they will put their whole time in and their money out to get them. And then having made up their minds to secure the nominations in that way, they go to work at it by any sort of private, secret, surreptitious, underhand method of action; and the whole campaign kept out of sight, nobody knows what is going on and nobody may know who the candidates are even until they are nominated. And then where there are two active and avowed

candidates for the nomination the contest has degenerated and has degenerated over and over again in this State into a mere exchange of personalities. And thus these conditions and the expense involved and the character of the nomination and campaign that is invited, all tends to discourage the nomination or the making of nominations of real representative men in either party. The result has been a steady deterioration in the character of the nominees on both sides; so much so that at the present time they are unrepresentative of their constituency. The people themselves, for instance, they do not have the chance they had under the old system of a choice between nominees. There are not two men set up whose friends might oppose together at the open American caucus, where there is an opportunity for public discussion and debate concerning their methods. That opportunity is wiped out. And a similar opportunity that was presented by the convention has disappeared. And the voters on election day are confined to the Democratic voter who has got his nomination in this way, and is unrepresentative of his party, and to the Republican who is no better. The result is, you have got an unrepresentative set of men in legislative bodies in the State and in the city.

Q. What do you say, Mr. Mathews, with reference to the expense of securing the nomination? What opportunity has the poor but worthy man of securing the nomination under this system and plan? It is claimed by the opponents of the system that that cannot be done frequently; the poor man cannot bear it? A. The man that you describe has no chance at all. He is shut out to start with; and so is the representative business man and the professional man who has got something in life to do besides giving up his time to politics; all those classes are practically shut out, and as I said the nomination is confined to a very small and unrepresentative body of self-seekers. The expense is double, practically, on the face of it; two elections instead of one, and I suspect that in practice it is considerably more than that.

Q. What have you observed with reference to the selection of the school board which is excepted under the law from the direct nominations system? A. Why the candidates for the school board have been nominated for recent years, as candidates for other municipal offices used to be by the delegate convention, where there

is the opportunity for consideration and deliberation, compromise and selection which does not exist under the primary system. Take independents, for instance, that do not belong to either party; they control a large vote in this city; they have some influence under the delegate convention system, because they can meet the managers of the convention and the representatives of the different candidates, and they can say "We will give our support to this Republican and to that Democrat if he is nominated by your convention;" and sometimes it is done and sometimes it is not done. All those opportunities are wiped out under the direct primary system and all chance of compromise or conference or such action of that kind is wiped out. Now under the school committee we have very good results here, because as I think, the convention has been maintained to date in that body. The contrasts between the men that have been elected to that board, and those who are nominated and elected to the State Legislature and city council in Boston is very striking.

Q. It is claimed by the advocates of the present system and of the extension of that system to other officers in the State and municipality that as good results could be secured for the school board as are now secured by the convention system that is in operation. Do I understand that your observation is to the contrary of that proposition, if I understand your answer? A. I think I have answered it.

Q. Yes, I think you have answered it already. The question has arisen here as to the effect of this system upon the party that might be said to be hopelessly in the minority; your general answer was that it disorganized party organization and disrupted party organization. Is it not true, Mr. Mathews, that the stronger organization may grow stronger; I mean by that you would have the control of public office and public patronage, and weaker would grow weaker under the system? A. I shouldn't think so. It doesn't strike me that way. I think both organizations would go to pieces.

Q. Under this system? A. Yes, and while they have got something they call an organization, a party organization, left, it is not that really; it is nothing but an aggregation of small groups of ward politicians organized by wards and parts and sections of

wards, and you can call them in the aggregate an organization, but they are not that in any true sense of the word; no community of action between them; impossible under this system.

Q. Now your report upon this subject of direct nominations, I think, is contained substantially on pages 21, 22, 23 and 24 — just see if I have covered that? A. I think it is mostly there, Judge.

Q. We may refer to it a little later? A. Yes.

(Judge Knapp confers with witness.)

Judge KNAPP: I do not think of any further questions to ask Mr. Mathews, unless a member of the Committee desires to.

Senator MEADE: I want to ask just one question.

The WITNESS: Certainly.

Q. You said, Mr. Mathews, the candidates were not responsible to any party? A. Yes, sir, that is the effect of the system.

Q. Well, do you think, that being the case, that they recognize their responsibility to the people who have nominated them any more than they otherwise would by this system? A. I think this, the responsibility on the part of the man who is nominated and elected under this system is less, far less.

Q. To any one? A. To any one, yes.

Q. Either to the people who have nominated him or to any party? A. He has been nominated by a select group in one ward, and those are the people who are responsible for his nomination, a small group of men who have gone about and got his nomination and in some way or another, which nobody knew anything about before or may know nothing before, and he very likely recognizes his responsibility to those men and they do not constitute a party —

Q. And do you think — A. Even in name.

Q. He does not recognize any responsibility to the body politic? A. I don't think he does.

Q. By a nomination under this system than he does under the other? A. I don't think he does.

By Senator MCCARREN:

Q. Well, Mr. Mayor, you are positive in your belief that under the direct nomination system a much inferior class of public officials has been produced? A. That, of course, Senator, is only an opinion, but based on fairly close observation of the way things

have been going for the past ten or fifteen years, you may say and state, that is my opinion very strongly, very, very strongly indeed; and I apply it to both parties. It has hurt the Democratic party more than it has the Republican party in Massachusetts and in Boston, but it has hurt both parties. It has now put the Democratic party into a condition of disruption, and it will have the same effect on the Republican party if it is continued.

Q. What do you think — A. One has gone to pieces and the other is going, as I look at it.

By Senator MEADE:

Q. What is your observation, Mr. Mathews, from your observation, as to the cost to the municipality under one system and the other? A. I think I should have to refer you to some of the election officials.

Q. Oh? A. I think they could tell you. But whether the expense is greater under the present system — but it does not seem to me that that is a strong argument against it, if I may be permitted to say — if the system is better why I think the public should stand the cost, the increased cost if there be one and I rather think that there is. It is the effect upon the representation that has appealed to me as the conclusive argument against this wherever it has been tried. I can say in answer to what Senator McCarren asked me that when this proposition was put up to the Legislature, I went to the Committee; I had some Democratic friends at that time — I was more closely in politics then than I have been since — and told them what in my opinion would happen then to the Democratic party if this direct system party nomination was adopted, but it had no effect at that time. I think the gentlemen who were in the State Senate to whom I appealed would agree with me now; that was, my Democratic friends in the Senate, I think; I know they do; they have changed their minds. They voted for it at the time. I think they have seen their mistake.

By Senator MEADE:

Q. May I ask, Mr. Mayor, in what way your investigation was conducted. How did you get your information? A. Well, in

a general political question like that we got it in all ways, of course.

Q. You talked — A. From my own knowledge and what was told us on the question.

Q. Did you talk with various citizens of Boston? A. Oh, yes, we held various conferences with anybody who wanted to be conferred with and with a great many others, too; we went into that.

Q. You tried to get the public sentiment on that as much as possible, did you? A. Yes, particularly on this question. I suppose that during the last four months of 1908, that I must have talked to twenty-five people on this very question, whether they would rather go back to the delegate convention system or have the present system of nomination. And I still add that I did not find a single man in either party in the city of Boston who had a word to say in favor of the direct primary system, not one.

Q. And added to that, of course, your personal observation and experience, in your life in the city of Boston? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. Mr. Mayor, is it true that a larger percentage of voters participate in the primaries under the so-called direct primary system, than under the old system where they vote for delegates? A. I couldn't answer that question. I assume not, probably, no. I should say that I think that is not so, and again I am not certain.

Senator MEADE: We are very much obliged to you, Mr. Mathews, for your statement you have given us.

Judge KNAPP: I think that is all I would like to ask.

The WITNESS: I would just like to add a few words.

Senator MEADE: Anything you want, Mr. Mathews.

The WITNESS: I have a very strong belief upon this question as a citizen, more at times and at other times at the outskirts of political life. This system of direct party primaries I regard as nothing but a stepping stone in the socialistic propaganda. If you look at the Socialists' paper you will see that they put at their heads four or five things which they want, and one of them, the first one, is direct party — direct nominations; the next step is the referendum; the next the initiative; and the ultimate goal is direct legislation. And that means the abolition of representative insti-

tutions in this country. Now the people who advocate this system are in large part of men who want to see representative democracy abolished and who want to see some system imported from Australia, Switzerland or Ancient Greece of a direct democracy installed in its place. The whole system with all its corollaries I regard as unrepresentative and as undemocratic, and is absolutely un-American.

By Senator MEADE:

Q. You think, Mr. Mathews, that the good men — and there are some, no doubt, who favor this system — A. Oh, very much.

Q. Are misguided and misinformed? A. I think that they are very fearful, very alarmed at the — unnecessarily alarmed at the — they admitted the fact — that many party conventions have been characterized by scenes of disorder, and have not fairly acted. No doubt there has been a good deal of this sort of thing in this State, as well as in other states; and that is the evil of the modern caucus and modern convention; and I think it may be that many well meaning gentlemen have allowed their judgments to be swayed by over-estimating the difficulty of correcting those conditions under the old system. It can be done, I think; at any rate, it ought to be done before we give up the system and adopt something which, at least to my way of thinking, is at least utterly inconsistent with our institutions.

Q. Then it is your opinion that corrective measures should be taken to perfect the convention system rather than to make an experiment? A. Absolutely. I suppose the Committee well know that this whole party system is American. The party caucus; the party convention was born in this country. It does not exist to-day in any country in Europe. In Europe the party candidates are nominated as they used to be in this country before the days of Madison, by committees; self-chosen, self-perpetuating committees. That is practically the case all over Europe at the present time. But in this country about 1820, or along there, you invented a system and that is the system of delegate conventions. And that, of course, necessitated the American caucus; the open caucus, where the friends of one man could come up and say what they could in his favor, and the friends of another could come up and make

these arguments face to face man fashion. One way, Mr. Chairman, by which results can be worked without — in a democracy is by means of the — is where an opportunity is given to two men who think differently to meet, in open, public, unrestrained debate; and that was the virtue and if not the only virtue, that the American caucus system had. American it is, absolutely and essentially. And now this system, born somewhere, born in foreign lands, under alien institutions, has been imported into this country, unwittingly and unconsciously favored by a great many persons who do not really know what it means — and I think it is bad and it is gradually disrupting our political foundation; and, finally the final clinching argument against the plan is that it cannot be worked in practice. In other words, the system is bad in theory and it is vicious to the last degree in practice. Thank you.

Mr. JOHN A. SULLIVAN:

By Judge KNAPP:

Q. Mr. Sullivan, to get at the gist of this matter early, I understand that at the present time you are chairman of the Finance Commission of the city of Boston? A. Yes, sir.

Q. And you were a member of the Finance Commission which reported and filed its final report in January, 1909? A. Yes.

Q. And joined in that report with Mr. Mathews and the other gentlemen whose names are here? A. Yes.

Q. I don't know that I asked Mr. Mathews his occupation — his occupation is a lawyer and your occupation is also a lawyer? A. Yes, sir.

Q. How long have you lived in Boston? A. Since 1868; born here.

Q. You were born here? A. Yes.

Q. And your political party affiliations have been with what party? A. The Democratic.

Q. And are yet? A. Yes.

Q. This new Finance Commission that has been appointed is appointed by whom, Mr. Sullivan? A. By the Governor.

Q. Governor Draper, and Governor Draper is a Republican? A. Yes.

Q. And the special duties of that Finance Commission are what;

just very briefly? A. To investigate the accounts, expenditures and departmental methods of the city of Boston and to report to the city council and to the Legislature.

Q. During your membership on the Finance Commission, which made its final report in January, 1909, did you have occasion to investigate the system in vogue in this city for the nomination of officers for all municipal affairs and government of the municipal affairs of this city? A. We conducted no investigation, strictly so called. We inquired of leading citizens and other parties as to the respective merits of the primary and convention systems; also their ideas as to some possible third system; this being open to the public a good many men attended and gave their views. I have had some experience in politics since 1900. I was elected to office twice — or four times; twice nominated by primaries and twice by conventions, and I have had occasion during my term of office and since to observe the conditions, the political conditions, in the city and in the State; and as a member of the Massachusetts Senate at the time the primary election law was established for the city of Boston, and was an earnest advocate of the new system. My experience has caused me to change my views. And now I believe that it is a bad system and one that ought to be abolished in this State wherever it exists.

By Senator McCARREN:

Q. That is the direct system? A. I don't think with Mr. Mathews that the primary system is bad in theory. I think it is sound in theory, because it is predicated upon the notion that all men are free and equal, and that our voters should have equal rights in the nomination and election of candidates. I think the theory is perfectly sound, but I think it has worked badly in practice.

By Assemblyman CONKLIN:

Q. That is direct nominations? A. Yes. But I think it has worked badly in practice because the theory is founded on false premises and that is that all men are of equal intelligence and of equal devotion to the public. I think they are not.

By Senator MEADE:

Q. Mr. Sullivan, do you object to giving us some of the facts or influence that caused you to change your mind? A. My own opinion is that there has been a general deterioration in the character of the candidates for public office in the city of Boston and elsewhere since the establishment of the primary election law. I think that the men who have been nominated in that system, on the whole, taking the average of them, are — have shown themselves to be, inferior in tone and ability and devotion to the public welfare, to the men who are nominated under the convention system. I think the cause is easily discovered. The convention — the convention system, is a part of the party system of government, and the party system of government assumes responsible leadership. You can have leadership under the convention system; at times that will be responsible; at other times it will fall from that standard. I think on the whole you will have more responsible leadership under the convention system than under the primary system. There has been no way found to discipline a public officer who has been nominated in the primaries who may offend the responsible leaders of his own party, but he can make his appeal directly to the people, and if he is a man of good personal gifts, or of large fortune, he can get support in numbers which he would lack in the intelligence of his supporters and secure a renomination, although he has proved himself in fact a bad public servant.

By Senator MEADE:

Q. Then do I understand by that, Mr. Sullivan, that you think the money power plays a more important part in the nomination of candidates under the nomination system than it does under the convention system? A. I do. The amount of money required to nominate a candidate for high office in the city of Boston is simply astounding. We have no means of knowing just what the various candidates for the office of mayor has spent, since the Primary Law was established, beyond the returns which they file in the office of the city clerk; but there is a general belief that the returns are false and insufficient; that money has been entered as having been paid to parties who never received it and that other moneys that have been paid have not been returned at all and that the total of

the moneys spent has been very much reduced in the returns. The general belief is that candidates have spent at least twice as much as they have returned who have sought the office of mayor. From my own experience in campaigning I should say that the cost of campaigning of one candidate for the office of mayor in the city of Boston was, at least, \$100,000, which was unprecedented in the history of this State.

Q. That was under the direct nomination system? A. Yes.

Q. And the cost of nominating candidates for the — what is the salary of the mayor? A. \$10,000 a year.

Q. Go ahead — you had something to say — I didn't mean to interrupt you? A. No. It will be said that assuming the superiority of the convention system you have there, the system argues a lack of faith in the intelligence of the people. I dispute that proposition. I think it means that the people have sufficient intelligence to follow or confer with reasonable leadership through men — wherever the people have these responsible leaders, the convention system has worked well; where they have failed to do that it has worked badly; and I believe that in any case the convention system at its worst is better than the primary system at its worst, and the convention at its best is better than the primary system at its best; and the average results of the convention system is far superior to the average results of the primary system.

Q. Then you have observed the working of both systems for how long, Mr. Sullivan? A. For ten years. While I have been in active politics I have observed the workings of the convention system, prior to that time; since I have been a voter.

Q. Are you looking at that from the standpoint of a politician or as a citizen? A. From the standpoint of both.

Q. Both? A. Using the word politician in the sense in which I prefer to use it; in other words, I regard the profession of politics as noble a profession as there is. Unfortunately the word has received a sinister interpretation. All nominations for Parliament in England is made by committees of the two parties; the voters have absolutely no choice whatever in the selection of their candidates, yet the man who has occasion to observe or read about the work of the Parliament compared with the American Congress will say that the Congress has been superior to the House of Commons

in its work, in the character and ability of its members, or in their devotion to the public weal. And yet the responsible leaders of the party will send a candidate down to the electors of a certain Parliamentary district, a man whom they have never met before, never seen, and many cases never heard of, and that man becomes their candidate and their representative; the system has worked well in England, which would not be so, as some of the enemies of the convention system here say, the convention system is an insult to the intelligence of the people.

By Senator McCARREN:

Q. In England in a campaign for members of Parliament both take charge originally of the nominations and the campaign?

A. Yes.

Q. That is done by committees of both parties? A. Of both parties.

Q. They make all nominations and conduct the campaign? A. Yes.

Q. So from the inception it is purely a partisan question between the candidates? A. Absolutely so. It is party government in the full sense, with absolute responsibility on each member. If a member of Parliament votes against a party on a question which involves important party policy that man would not be nominated for office again; the leaders discipline him. Nothing that the party leaders of the United States have ever done in the way of disciplining a candidate has been nearly so drastic as the discipline practiced by the leaders in politics in England.

By Assemblyman CONKLIN:

Q. Well, Parliament that makes the laws has almost entirely to do with national affairs there; do you think it is a fair application?

A. I cannot hear you — I am sorry.

Q. Do you think that it is a fair application that in England the members of Parliament have only to do with national affairs while under our direct nomination system our candidates are chosen very largely for local and State offices, here there is not involved the distinct party principles that there are, for instance, in national affairs? A. I think that on the contrary the primary system has

been established as to some national districts. I was myself nominated for Congress at a primary election as a Republican from the city of Boston by the nominating system being introduced elsewhere throughout the United States and there is a great clamor to have the primary election law for the election of United States Senator at the present time.

Q. In a municipal you will, in municipal affairs — the individual may act sometimes for more than the party principle — that is, there is no very marked distinction between party principles in municipal affairs. Well, if the merits of the individual are to be considered at a primary why wouldn't the direct nomination system operate better there than possibly it would where party principles are involved? A. I think so. I think that in most municipalities, in all, for that matter, that there are no political principles involved in a contest; the only issue in municipal elections is whether or not the people shall have honest and efficient government, and there is, as you suggest, less reason for the party system with the convention feature than there would be in the case of an election for an officer for the State or nation.

By Senator MEADE:

Q. Do you think, Mr. Sullivan, you could get more honest and able municipal officers under the primary nomination system than you would under the convention system? A. No, I do not. I think that even in municipalities you get better men under the convention than under the direct primary system. That has been our experience, I am quite certain, in the city of Boston.

By Judge KNAPP:

Q. That is the substance of your report on that question? A. Yes, sir.

By Assemblyman HOWARD:

Q. Mr. Sullivan, is it or is it not essential in the maintaining of a party, the government by party, that the minor political divisions maintain that party in order to make them useful and of value when it comes to larger municipal subdivisions? A. Yes, I think — I do not know that it is essential. My own view is

that the maintenance of municipal political organizations is not essential to the maintenance of political organizations of the State or in the nation. I can see that they are useful to the State or of the national organization because they tend to preserve the solidarity of the party.

Q. Well, that was the application of my question to ascertain —? A. Yes; but I do not think that they are essential. In other words, I see no inherent difficulty in maintaining the elements of a State political organization in the city which has given up the idea of party control of the government of such municipal government.

Senator MEADE: I think that is all.

Judge KNAPP: Yes. I want to ask you to state your experience as an office holder. I don't know that we have on the record just what political positions you have held? A. I was a representative of the Boston district in the Massachusetts Senate for two years and the Boston district in Congress for four years.

Q. The National Congress? A. Yes.

Judge KNAPP: We are certainly under great obligations to you, Mr. Sullivan, for your appearance here this afternoon. Before I proceed further I desire to have placed on the files of this investigation the report of the Boston Finance Commission of January, 1909, the final report.

("Report marked H. C. L. 5.")

Assemblyman HOWARD: I would like to ask, judge, if you will be able to secure copies enough of that report for each member?

Judge KNAPP: I think I can secure copies. Also of the new charter of the city of Boston, adopted by the Legislature; the act relating to the administration of the city of Boston and the charter of said city, which was —

Assemblyman PHILLIPS: Judge, while we are on this question, I understand that the members of this Finance Commission were appointed by the mayor, were they?

Judge KNAPP: By the Governor.

Assemblyman PHILLIPS: The first one by the mayor.

Judge KNAPP: The first one was appointed —

Assemblyman PHILLIPS: At the suggestion of various business and civic organizations of the State.

Judge KNAPP: Yes.

Assemblyman PHILLIPS: So that it was a non-political organization. This present one is a non-political organization made up of Republicans and Democrats.

Judge KNAPP: It should appear on the record that there are five of the present Finance Committee, of which Mr. Sullivan is chairman, consisting of two Republicans and three Democrats, appointed by Governor Draper.

Senator MEADE: There were seven of the former committee.

Judge KNAPP: There were seven of the former committee appointed by the mayor.

(Bill relating to the administration of the affairs of the city of Boston, marked "H. C. L. 6.")

Judge KNAPP: For the sake of the reference which we will need to make I want to ask the Committee also to place on the file the annual report of the election department for the year ending January 31, 1909.

(Report marked "H. C. L. 7.")

Judge KNAPP: Also the "Number of assessed polls, registered voters and persons who voted in each voting precinct of the State, city and county elections in the year 1908, compiled by the secretary of the Commonwealth."

(Book marked "H. C. L. 8.")

Judge KNAPP: Also the "Annual Report of the Board of Election Commissioners for the year 1908."

(Report marked "H. C. L. 9.")

DAVID B. SHAW:

By Judge KNAPP:

Q. Where do you live, Mr. Shaw? A. Boston, Charlestown district.

Q. The Charlestown district consists of what wards of the city? A. Wards 3, 4 and 5.

Q. Are you at present holding some official position in the city? A. I am a member of the Legislature.

Q. Of which branch? A. The House of Representatives.

Q. How long have you been a member of the Legislature? A. I started, I think, back in 1895.

Q. And your party affiliations are what? A. Democratic.

Q. Have you held other official positions in the city? A. Well, a member of the Senate twelve years, and six years in the election commission of Boston.

Q. The district from which you come is the same from which Mr. Murray —? A. No, sir; it is a portion of it.

Q. A portion of the district? A. It is a portion of that section of Boston.

Q. You do not represent the same district that Mr. Murray did? A. Except when I was in the Senate, then that was a part of my district.

Q. But the Assembly district — the representative district rather — that Mr. Murray represented, is a different district than the one which you represented? A. Yes.

Q. You said the third, fourth and fifth wards? A. Yes, I represented the third; it was also the third Suffolk district.

Q. What is the normal voting conditions of that district? A. As to what?

Q. As to whether it is Democratic or Republican? A. It is enormously Democratic.

Q. You said the third and fourth? A. The third Suffolk Representative district. That is Ward 3. I will find it for you (referring to book).

Q. Yes, that is what I wanted to get at; the vote at the primaries? I think it is in there (indicating)? A. Yes, it is; the State and city primaries.

Q. The State primary, I think, is what I have referred to in the other case. I took the wards — that is, in the ninth Congressional district? A. Yes, sir.

Q. Well, then I think you will find it on page 91? A. There is the third representative district there (indicating).

Q. That is the third representative which would go back to that part of the Congressional. You represented the third? A. Yes.

Q. Then for the sake of the record, before we take up the other part of it, I want to get a few figures here in 1908; I observe that for representative in your district there were 1,876 votes cast at the primaries. Democratic votes? A. Yes.

Q. You say the ninth district, that is Ward 3, 1,661 votes cast at the election? A. Yes, sir. And that I want to say is the

invariable rule in the Commonwealth where primary elections exist.

Q. So far as the majority — is that the rule in the case of a minority party? A. Not in the case of a minority because the minority party don't seek to get enrolled at convention or primary elections; there is an enrollment of the party but very few of the minority in the city of Boston, Republicans, become enrolled.

Q. How do you account for the fact, Mr. Shaw, that in your ward, the third ward of this ninth Congressional district, last year there were 215 more votes cast at the primary than were cast at the election, Democratic votes? A. How do I account for it?

Q. Yes. A. By the lack of interest and popularity of the Democratic voters in the selection of their candidates when the selection of candidates by the primary practically means election.

Q. That the active interests of Democratic voters, or is it the keen interest of the candidates themselves to bring those out? A. Contrary to what has been told you here repeatedly to-day, it is absolutely on account of the activity of the voters themselves, and not the activity particularly of any candidate for any public office, up in our district and in Boston.

Q. And then your conclusion would be that having nominated a candidate means an election and they are all out particularly — no matter as to — A. In strong districts no matter what the party may be.

Q. That would be true, of course, in both — in any party? A. Whatever the party is.

Q. Then in the third ward at this time there appears to have been three candidates for the office of member of Congress? A. Yes.

Q. O'Connor, Kelliher and Monohan? A. Yes.

Q. Was any one of those candidates known particularly as the organization candidate? A. There was no organization candidate for Congress.

Q. This office was sought simply by these men as individuals, was it? A. There was a man looking for renomination directly, a man who wished to get a second term after a first one, and a man looking for a nomination in order that he might hold the office. The organization, either in the city or in the community,

had no candidate for Congress as their organization candidate. Senator O'Connor —

Q. So that there was no contest then in this particular ward of the ninth Congressional district at this time between the members of the same party, I would say, and the organization of the so-called — of that party — A. Put that again.

Q. I say do I understand you to say that there was no contest between a candidate for Congress in this ward in the ninth Judicial district, and the so-called organization candidate, or the organization? A. If you speak of the organization of the ward.

Q. No, I mean the Democratic, ordinary Democratic organization, as we understand this? A. Of the ward or of the city or of the —

Q. No, of the ninth Congressional district or of the city? A. There is no Democratic organization in any of the Congressional districts in this Commonwealth; no party organizations in any of the Congressional districts known as the Congressional district organization, neither is there any county organization, neither is there any Senatorial district organization, neither is there any Representative district organization. Our system of government here, of election here, is entirely different from anything else that I have ever seen, except that practically practiced by Maryland; they come the nearest to our system of any in the United States. We are governed by a system of — politically governed, I mean—I am referring to the manner of government, party government, by ward committees primarily, and they elect — the members of the ward committee are elected at the primary elections and those ward committees elect members of the State committee and the city committee just after the first of January each year, elects its officers. Our State committee and parties civic committees here are elected, are nominated in the delegate conventions, not as the State committee particularly, except those that represent senatorial districts. Our system is so peculiar that you gentlemen, I might say, have been working at loggerheads all of the time in my judgment, in your attempting to get some information as to primaries and direct nominations and primary elections act, and no one, to my mind, has attempted to clarify the situation for you. Our system here is peculiar — if you will allow me just a moment and if I take too

much time just call me to order — at our city primaries in this Commonwealth are nominated not alone delegates to attend the State convention, who in turn nominate the candidates for State offices; but in the primary election where the direct nomination exists, at the same State primary or State caucus as it is used in some parts of the State, are nominated candidates for the House of Representatives, where direct nomination exists; and in other delegates to a Representative convention who in turn nominate candidates for the House of Representatives. Where the direct nominations exist in some Senatorial districts are nominated candidates for Senate direct. At those particular primaries are nominated party committeemen, known as State committeemen, Democratic and Republican and Socialistic and Prohibitionist, or whatever it might be, who have obtained a three per cent. standing under our law. Those State committeemen attend the State committee meeting and they are organized as a State committee and finally, after years of hard, earnest work, the State committee of my own political party, if I may be permitted to call it such, the Democratic party, have at last got what they should have properly had twenty-five years ago, a fairly decent and recent knowledge of their standing under the law. There are twenty — there are forty Senatorial districts in this Commonwealth, each one of those Senatorial districts elected by their direct nomination at the direct primary; they elect a State committeeman, or at the Senatorial district conventions they nominate a State district committeeman who form, under the law, forty members of the State committee who might elect a chairman. And then under another provision of the laws they have some — they have another additional number which the State committee at the State convention at its annual meetings select, to be known as the committee-at-large, who are nominated presumably by the convention to represent the party-at-large throughout the Commonwealth. So that under our law we nominate, we elect or nominate as the case may be, our primary election law or convention, our party committees for the Commonwealth for the State at our State primaries. At our city primaries up to the passage of this nefarious act (indicating), this present act, we nominated at our city primaries our city committees, or elevated them rather at the city primaries, we

elected our city committee, both Republican and Democratic, whatever the case might be, whatever party had obtained its three per cent. standing under our law. And they in turn met and organized for the election of their officers, and they formed the party organization. That has been from time immemorial the custom of this Commonwealth and the custom in this State, and the custom in practically all the cities of this Commonwealth.

By Senator MEADE:

Q. In referring to this nefarious act, Mr. Shaw, what act —
A. Well, it is nefarious. (Laughter.)

Q. What act do you refer to? A. I refer to the one you are looking at.

Q. The one referred to by the Finance Commission of the city of Boston appointed by a former mayor? A. That and the subjoined adjunct which is added to it by the Legislature and by the committee of the Legislature known as the Committee on the Act — the alternative referendum, if you please, is what is properly known as — it is a case of do or don't — “heads I win, tails you lose.”

By Judge KNAPP:

Q. You refer to what is called the new charter of the city of Boston? A. I do, sir.

By Senator MCCARREN:

Q. Mr. Shaw, you said that in the primaries of 1908 there were three contestants for direct Congressional nomination? A. In the ninth Congressional district, yes.

Q. In the ninth Congressional district? A. Yes, sir.

Q. The three were Kelliher — A. Connery and Monahan.

Q. Monahan and Connery; in the event of the election of Kelliher, what was the belief of the voters in your part of the Congressional district with reference to what his attitude would be in the event of his nomination? A. What his attitude would be? You mean his party attitude? Why, they believed that he would be a party man, and if he was not he would never go again — that he would stand for party principle as laid down by the party plat-

form upon which he was nominated by direct primaries by which he was elected by the citizens who voted for him of the Democratic faith.

Q. That issue was made at the primaries, was it? A. Why, of course, that is always understood to be the issue; the issue itself is not direct in those instances; for instance, in the Charlestown district it might be a local issue that would nominate a man and secure for him the votes of that particular district.

Q. Well, I might have misunderstood you but I understood you to say that at the primaries in your part of the ninth Congressional district there was really no party issue? A. There was no organization candidate, I said. No organization candidate, that is — that is, including it as a Democratic party from a State standpoint, or from a city standpoint. The organization of the ward of each of the wards had its choice, but the organization from several of the wards throughout the districts, throughout that very Congressional district but with one or the other of the candidates — for example, to make it clear to you, if my memory serves me right, the organization in ward three, or the organization in five and six of the wards, were with Kelliher; and the organization, Democratic also, of the remainder of the wards, were with Connelly. I do not recall that Monahan had any organization — well, any party organization known as such.

Q. But he was a contestant for the — A. He was a contestant for the nomination.

By Senator MEADE:

Q. Who was finally nominated? A. Kelliher.

Q. Kelliher? A. Kelliher.

Q. And was he the favorite, do you recall, of the ward committee? A. In several of the wards. And several other —

Q. In a majority of the wards? A. I couldn't say that; I should say yes, however, without being positive.

Q. Then in that contest Mr. Kelliher, who was favored by the ward committee, the majority of the ward, won out? A. Yes.

By Judge KNAPP:

Q. Let me ask if you recall — just simply to get at this — you

say Connery also was favored by some of the ward committee?

A. Yes, sir.

Q. And Monahan, not by any, to your knowledge? A. That I have no recollection of. I am unable to say.

Q. The total result in that ninth district appears to have been 6,396 for Connery, 6,787 for Kelliher and 1,086 for Monahan?

A. Yes.

Q. Do you conclude from that, Mr. Shaw, that the man that was favored — that the man who was favored by the organization — A. Only in their respective organizations, with probably a slight variance.

Q. And then both of them, these Democrats, they got as many votes as the man who was not favored by any organization ward committee? A. Yes, sir.

Q. Now from what do you conclude, or shall the committee conclude, that the support of the so-called ward committee is of a good deal of influence politically in making nominations? A. Common sense would lead one to believe that the support of any organized movement is always an element of strength.

Q. Well, that was the case here, was it not? A. Yes, sir.

Q. Was there any special difference in the qualifications of these men? A. I don't think there was any.

Q. You think they were all about equally well qualified for this position? A. I think two of them, at least, were eminently qualified for it.

Q. Well, was Monahan as good a man as the rest of them? A. He was certainly to those that voted for him.

Q. No, but I mean speaking outside of politics as a representative, I mean; would he, in your opinion, have made as satisfactory a representative as either of the others? A. I couldn't say; I couldn't give you an answer to that.

Q. Had Kelliher served before — or who was the new man? A. Monahan was the new man. Kelliher had served twice.

Q. Had Connery served at all? A. Connery had served once.

Q. Who was the incumbent at the time of this — A. Kelliher.

Q. So that Kelliher was renominated? A. Yes, sir.

Q. And Connery defeated? A. Yes.

Q. And Monahan, also, and he didn't have the support of any of the organization? A. I don't think he did.

Q. Do you know of a case in that ward since this system has been in vogue when a man has been nominated who did not have the support of the organization? A. Oh, yes, very many — in that district or my own.

Q. We will say in the ninth district, Congressional. A. Congressional nominations?

Q. Yes? A. Yes.

Q. How long ago? A. Well, first in 1894.

Q. Well, was this system of direct nominations in vogue then in 1894? A. Oh, no; no, that was a convention.

Q. Well, I am speaking — A. Direct system.

Q. Direct nomination system?

Senator MEADE: That, Mr. Sullivan — A. I don't think there was.

Q. Do you recall.

By Judge KNAPP:

Q. That you cannot do now? A. I beg pardon — I don't think there was an instance.

Q. You don't recall an instance for member of Congress in that ward when a man was not supported by the organization? A. The district, you mean?

Q. In the ninth district? A. In the whole district?

Q. Yes? A. I would like to qualify the answer to that question by stating this, that there is absolutely no means of charging it up to the district, to any organization, because there is no organization in the district except in the local wards.

Q. Well, ward committee, I mean, what you've been speaking of here; you say that Kelliher had the support of part. A. I do. Now you understand —

Q. And that Monahan had no support? A. He had no money to spend; the candidates supported by the organizations in the wards have carried the ward.

Q. I am referring to the Congressional districts — that is what we have to deal with specially here. I observe that in your ward Monahan received 250 votes. Where did he live? A. He lived in ward five.

Q. And in ward five he received 352? A. Yes, that was the same ward.

Q. And in ward four, 173? A. Yes.

Q. And in all the other wards, less than 100 each? A. Yes.

Q. From ten to seventy-seven? A. Yes.

By Senator McCABEN:

Q. How long has Kelliher been in Congress? A. He is now — fourth of March he is serving his fourth term.

Q. He was nominated by the convention system, originally, was he? A. He was nominated by direct nomination.

Q. Originally? A. Yes., sir.

By Judge KNAPP:

Q. How long has direct nominations been in vogue here? A. Direct nominations were held, first year, 1900; for Congress, 1901; 1901 or 1902, and he has just started in on his fourth term on the fourth of March.

Q. Were these men business men, professional men, these three before they — A. When?

Q. Before they went — well, are they now business men and professional men — what is their occupations? A. One man is now an attorney and one man is a business man, and the other man is a politician — a professional man, if you call that a profession.

Q. I want to ask — it has been brought to the attention of the Committee that the direct nomination system is in vogue in quite a number of the cities, cities where the Democratic majorities are something like the majorities in your district, Congressional district, and in your ward. What is your observation as to the effect of this system in wards or districts where the vote is close on both sides; would there be such a contest as has been indicated here for the nomination? A. The party nominations?

Q. Party nominations? A. I think the best — under direct primary it always brings out a direct sentiment in favor of securing the best possible candidates.

Q. You mistake me, I think; I am glad to have that statement, of course, but — but I wanted to get these big districts where the party votes are close; would there be the same kind of activity at the primaries that is shown here in the Democratic party in your

district? A. I was just coming to that in the conclusion of my answer.

Q. Yes? A. Yes.

Q. But in the case where there is a large — a party which has a large majority — there would be no particular activity in the minority party? A. That unfortunately has proven true in Boston, except I would say in the case of the gentleman who preceded me. When he was a candidate for the Senate he was a member of the minority party in his Senatorial district, and also in his Congressional district; and there was a rather interesting contest for the nomination — decidedly interesting contest for the nomination and a decidedly interesting contest for the election, after the nomination was had within the minority party.

Q. What I want to get at is this: In those cities or districts where there is one party that predominates to such an extent that a nomination is an election, there is sure to be this lively contest for the nomination, is there not, from your observation? A. That must be answered — that cannot be answered specifically, yes or no; that must be answered —

Q. Isn't that the ordinary experience that you have had? A. No, it is not.

Q. From your ordinary observation? A. No, it is not. My observation in communities where the office sought for is one governing a larger section than one particular ward in that city, that minority — the minority party, when they have been able to secure a proper candidate, who, if he is the candidate of the majority party, takes advantage of the controversy at the polls for the nomination of what might be mentioned as the majority, does bring to the polls these men to secure this party nomination; and where that maintains, invariably, the majority party candidate on election day has been overwhelmingly defeated at the polls by the people. In the instance of the gentleman who succeeded he was one of the first under the direct primary act in the senatorial district to represent in this Commonwealth, at one period, a very large — the largest Republican district in the city of Boston. He was nominated by a Democratic constituency; and he was elected as was proven by a Republican constituency. Another instance now is one that at the present time is being

brought before the National Congress. In a large Democratic national district a candidate was nominated by the majority party and the Democratic, the minority party, attended in its full strength at the primaries and nominated a strong opponent, and though it was a Democratic district, normally so, five or six thousand to spare, the Republican candidate came within four votes of defeating the Democratic candidate. So you see that the practice is, as a matter of fact, ~~that~~ the direct nomination system brings out where the primary prevails the very best that is in the minority party and invariably presents when the opportunity is present — what I mean by the opportunity, that the majority party; that the material is at hand — the very best possible candidate that they can produce.

By Senator McCARREN:

Q. Well, how do you reconcile that statement, Mr. Shaw, in view of the result in that particular district where you say there are about 5,000 majority for the dominant party, ordinarily, and the Republican candidate came within four votes of beating the Democratic nominee? A. I reconcile it — if you understand me to say that the majority party, be it Democratic or Republican, brings out its most — its best men, the best man that is available. Now, in that district, the best man available was the man who secured the nomination. He was a man who had a seat in Congress one session; he had been renominated; there was no available candidate to defeat him for the nomination in his party and the party came out strong at the primaries. The Republican party recognized in the individual, perhaps, some element of weakness and nominated its strongest candidate, and they came to the polls, the primaries, in full strength, and they nominated its best candidate, and that candidate went to the polls and came near defeating the Democrat.

Q. Well, how do you mean; that don't account for the candidate running 5,000 votes behind the normal majority in his district? A. Well, I account for it in this way; that there evidently must have been some dissatisfaction with the candidate by a great number of people; or, as is many times the instance in this Commonwealth — unlike yours — there is a great number

of voters called the home vote who rarely attend the polls, who are not enrolled as party members, and they evidently attended the polls on this particular occasion.

Q. What were the circumstances attending the nomination of the man who ran 5,000 votes behind? A. Well, that I cannot tell you.

Q. Were there more than — how many candidates were there in the primary for the nomination? A. I think he was the only one.

Q. The only one? A. I should say so.

Q. And he ran 5,000 votes behind? A. Yes, sir.

Q. That don't argue well for the direct nomination system? A. I beg pardon.

Q. That don't argue well for the direct nomination system? A. Not for the majority party at that time. But it argues well for the minority party for the direct nomination, because they were enabled to get the majority of several candidates who came within four votes of defeating the single candidate.

By Judge KNAPP:

Q. If the candidate had been nominated by a convention you think he would not have shown the strength at election which he did by being nominated by direct nomination. Is that the conclusion when he came within four votes of the Democratic candidate? A. After he had been nominated.

Q. Suppose he had been nominated after —? A. Suppose he had been nominated — why, no difference.

Q. It would have made no difference so far as that is concerned? A. No.

Judge KNAPP: I just wanted to ask that — pardon me, Senator — A. Oh, pardon me — I doubt if the gentleman would have got the nomination in that situation.

Q. Well, of course, it is difficult to tell. Your observation as I take it, Mr. Shaw, is that results of this system have been so good that it would be well for the community to extend it to the school committee? A. Absolutely.

Q. And you think you would secure better results so far as the discipline and management of the school is concerned by that process? A. Fully as good, if not better.

Q. And that it should be extended to county officers also? A. Also, yes.

Q. And to all State officers, including Governor? A. No, sir; I don't believe in that.

Q. Why not? A. I believe that the Commonwealth is like the national government, is dependent a great deal on party for its political life, and that the government of the Commonwealth — I believe the people would want that the President of the United States stand for something upon which he should stand, a platform of principle, and in order to obtain that platform and principle you've got to have a convention. The party may not amount to much; the platform would be a platform and upon the platform the candidate would be nominated.

Q. You believe in the nomination of United States senators by that method? A. By what method? Direct nomination? I do, sir.

Q. If the United States senators and other State officers, why not the Governor, as well? A. Their positions are distinctly different. One man is a representative of communities at the National Senate, and the other man represents the whole Commonwealth in his executive capacity as the leader of the people of the Commonwealth. The other men are simply representatives of the party and the United States in a party organization.

Q. Then your conclusion is, substantially, all the officers —? A. The representative officers.

Q. The representative officers below the Governor in the State? A. The administrative officers of the State.

Q. The administrative officers of the State should be nominated by the direct —? A. I do; yes.

Q. Nomination system? A. Yes.

Q. But you would not include judges in that system? A. Well, I am not prepared to go as far as that. If I lived in New York State, I would be absolutely in favor of nominating judges, possibly, by that — I want to say, possibly — by the direct nomination system.

Q. Now, I do not refer, Senator, to this condition when I speak of a situation where there was a large majority and small minority, but conditions such as which prevail in the south and

which prevail in your district, your Congressional district, where the Democratic vote is substantially eight or ten to one of the Republican, so far as activity in primaries is concerned, in places of that kind, where the Democratic vote is substantially ten to one, or the Republican, vice versa; do you think there will be the activity on the part of the minority at their primaries that there is on the part of the majority, where the nomination means election? A. I think so; yes, sir; I think there would.

Q. Then how would you explain this situation which appears all through this book (indicating), that in these districts that are largely Democratic, like yours, there was a very small attendance of only about one-fifth or one-sixth of the Republican vote at the primary, and considerably more than the Democratic vote at the primary —. By Democratic I mean those that voted at election?

A. My reason is this: That in certain elections that I just gave, places where the opportunity is present to elect and nominate a good candidate for office — that Charlestown, for an example, there have always been present at the polls, at the polls at the primary elections, a fairly typical representation of the party vote. If you will notice that in Wards 3 or 4 there was, for instance, I think, about fifty men, about fifty to fifty-five or sixty possible Republicans who attend the primaries. They are the men who are enrolled as Republicans and they attend the primaries; they are the Republican workers and they attend also at the polls, but they are not in the caucus to any great degree. Whereas, the Democrats, those who are not enrolled as Republicans, never — seldom, if ever, vote the Democratic ticket even at the polls. Where there is no party enrollment, and they are of that class of men who have never — like some of the gentlemen which preceded me this afternoon practically conceded, that the primary system is the best for the community. Were it a convention nomination, although the candidate for office would be nominated by convention, it is far easier that every Republican in my district, for example, would attend at the caucus and the primary would be eliminated. So would it be at the Democratic primary caucus. They would attend for the purpose of nominating delegates to attend the convention who would nominate individuals and their presence at the polls would be lacking. Now, at the

present time their absence from the primary is noted, because they looked upon a certain percentage of their party men to do the party nominating, but they attend religiously at the polls; so that it brings about the situation there —

Q. What I am getting at, Mr. Shaw, is this. I think, perhaps, I do not explain — as a rule the majority is so great that a nomination means an election, and the minority party does not attend a primary to the extent that a majority party does; isn't that correct? A. Except the opportunity is present —.

Q. But isn't that the general experience is what I want to get at, whether it is or not, I don't care which way it is? A. Yes.

Q. Now, in the returns of the ninth Congressional district, as I have already indicated to you, 1,871 Democrats went to the primary, and 1,511 of them voted at the election? A. Yes.

Q. And of the Republicans, there were fifty-one Republicans voted at the primary and 256 of those Republicans went to the election? A. Voted at the election.

Q. Voted at the election. So that practically one-fifth of the Republicans went to the primary, when, in the case of the Democrats, more than those that voted went to the primary? A. A great many.

Q. Now, isn't that the usual experience where there is such a vast difference in the parties as is indicated in that particular district — as was indicated in Mr. Sullivan's district? A. I think that is so.

Q. It practically amounts to an election? A. Practically amounts to an election.

By Senator MEADE:

Q. Mr. Shaw, you said a little while ago, of three men running for Congress in your district, you said one was a lawyer, one was a business man and one was a politician; which of the three received the nomination? A. The politician.

By Judge KNAPP:

Q. Didn't he have any business before he went into office? A. Well, I don't know. He had an office since I was — (laughter), and I don't recall him having any.

Q. But that is not a profession; what, has he an independent fortune? A. I am led to believe he is independent; comfortably well to do.

Q. He had no business that you know prior to his eight years' service? A. No, he was in the Senate and in the Legislature with myself.

Senator MEADE: Have you anything further?

Judge KNAPP: Just one question, and I think I am through in a moment. Is it not true that within this city and in surrounding cities there is a considerable difference of opinion between intelligent and well meaning men as to the results of the direct nomination system. A. I am constrained to believe that except where intelligent and well meaning men are politicians of either of the large political parties, that there is no difference of opinion as to the direct nomination.

Q. Then you would not recognize Mr. Mathews or Mr. Sullivan — A. Not for a minute; no.

Q. As intelligent and well meaning men, would you? A. I do, but they are also professional politicians.

Q. They are Democrats and profess the same as you do? A. That doesn't change it in the least.

Q. So that there is difference of belief? A. If it —

Q. In the membership of your own party on that subject? A. Certainly, there are active politicians and disappointed politicians.

By Senator MEADE:

Q. What is your business, Mr. Shaw? A. I am an attorney, a lawyer.

Q. And you have been in politics how long? A. Oh, I should say eighteen years.

Q. And how long has Mr. Sullivan been in politics? A. About eight or nine years.

Q. What is the difference between your position as a professional politician and his? A. I beg pardon.

Q. What is the difference between your position as a professional politician and Mr. Sullivan's? A. No difference. I said the difference is, one is an active politician and one is a disappointed politician. (Laughter.)

By Judge KNAPP:

Q. You regard Mr. Sullivan as a disappointed politician? A. I do, most emphatically so.

Q. And he has been in Congress twice, and he is now chairman of the Finance Commission? A. I do.

Q. Isn't that a fair sort of position, a decent position in this city? A. From what standpoint?

Q. Well, I mean from the standpoint of honor and general usefulness in the city? A. I am not concerned with your opinion with that at all. Only been in existence about two —

Q. That Finance Commission was in existence two years, was it not? A. About two years, and a more condemned body never existed in this city.

Q. By those who have gone over to the island? A. No, sir. By the community at large, as will be exemplified, I think, by their attitude in the near future.

Q. Isn't it true that as a result of that investigation there have been prosecutions, a large number of prosecutions in this city for graft of all kinds? A. No, sir, it is not.

Q. It remains that there have been those prosecutions? A. There have been a small number.

Q. Well, what do you mean by a small number? A. Well, four or five.

Q. It is reported, at least, in the newspapers, the public press, that there have been somewhere in the neighborhood of fifteen or twenty? A. I don't recall that number.

Q. That is not the statement of the fact? A. There have been twenty-five indictments, I believe, but there have been only —

Q. I said prosecutions — one or many convictions? A. There have been fifteen or twenty indictments, but there have been only four or five prosecutions.

Q. That was a non-partisan board that made this report, was it not? A. Presumably, yes, sir.

By Assemblyman PHILLIPS:

Q. Were there any indictments made of public officials, anybody like aldermen? A. For what?

Q. In this recent investigation you speak of, this twenty-five

indictments; any of them against aldermen? A. None against aldermen; no, sir.

Q. Or against any elective officer? A. One. There was one against an ex-president of the Common Council.

Q. Is he an elective officer? A. Yes, he is elected to the Council and then elected by this body to preside over, and there was an unfortunate occurrence, and there happened to be one individual; it had nothing to do with administrative office, or with the election system.

By Assemblyman HOWARD:

Q. You say you have been in politics eighteen years, and you've seen the workings of contests of candidates for office between both systems? A. Indeed I have.

Q. What do you say as to whether one or the other of these systems produces more or less friction in the party when there is more than one candidate for nomination? A. When there is more than one candidate for nomination the ideal system is the direct nomination system.

Q. Well, I ask you which one produces the more friction in the party or among the candidates of that — A. Well, it depends upon what class of individuals are candidates.

Q. I am not making any distinction, at all. Would you say that one produces as much as the other? A. No, sir, it is entirely dependent on the class of individuals who are candidates for office.

By Senator MEADE:

Q. I deduce, Mr. Shaw, from your statement in relation to yourself and Mr. Sullivan, that the direct nomination system favored the active politician and does not favor the disappointed politician, is that true? A. You state that you draw that deduction?

Q. Well, you say that Mr. Sullivan was a disappointed politician, and he has given testimony decidedly against the system, and you say you are an active politician and you are giving testimony directly in favor of it? A. I am going to ask you — in order to answer that intelligently — I am going to ask you to read his own report or a report of the commission of which he was a member, which is known as No. 2, in this document which you have before

you. A man might believe in listening to the evidence presented to you by both Mr. Mathews and Mr. Sullivan that the Finance Commission were idealists, so far as the convention and nominating systems were concerned, but as a matter of fact they reported as members, one as chairman and the other as member of the Finance Commission, that the millenium had arrived in the political nominating system, by suggesting that the nomination be by petition, condemning both the convention and direct nomination system and bringing forth the millenium.

By Judge KNAPP:

Q. As far as municipal officers are concerned, I think, is their report? A. So far as municipal officers are concerned; and that was the only thing they had to do with.

By Assemblyman CONKLIN:

Q. Mr. Shaw, from what you have to say, I judge, about the original selection of the nomination? A. I cannot say —

Q. Much that you have had to say has to do with the selection of the nominee in the first instance. Now, have you noticed any improvement over the old existing condition, the old conditions that did exist in respect to the renomination of a man — that is, does direct nominations tend to make a man more independent of political bosses, good or bad? A. Not at all. On the contrary, gentlemen, history is replete with instances that the direct nomination system is no more opposed to party leadership and party control than the convention system, nor quite as much to my mind; and I know it has been worked.

Q. Well, one of the things that — A. Does that answer?

Q. One of the things that has been advanced as an argument in favor of direct nominations is, it presupposes there are people who are bad political leaders? A. Yes.

Q. And if the Representative who owed his nomination to them did something in opposition to their wishes they would have the power to turn him down. Now suppose there is a Representative who desires to follow his conscience in matters, rather than his political leaders, wouldn't that direct nominations give him a better opportunity for re-election than under the old system? A. I am,

in the first place, one of those who believe that good leadership and conscience are one and the same thing, and one and the same in politics.

Q. Well, suppose there is bad leadership? A. If there is bad leadership the convention will not be controlled by a bad leader any more than the direct nomination system, in its effort to ensure to him the bulk of the vote, will be controlled by a bad individual. Mind you, I am not so far as yet divorced from party organization — I am still a party organization man, as good as any of them, as any man — I am not so far divorced and I have had enough experience to warrant me in stating this, that the continued existence of party organization is dependent, and will be dependent for years to come, upon the direct nominating system, whichever it might be. I am forced to believe from experience that the convention system is one that will bring about the disintegration of the organization. It has proved this in this Commonwealth time and time again. I have myself had instances of my own; I will give you an instance of mine repeatedly occurring; a repetition for three years. I represented my own district in the Massachusetts Senate in 1898. I may be conceited in stating that I considered myself a fairly good Democrat, and a fair representative; in 1899, I again carried the delegates — elected the delegates to attend a delegate convention to nominate my successor, whether it be myself or another. Entering the convention I had a sufficient number of delegates to secure the nomination. But when the votes closed I was short a sufficient number which worked my defeat. Now I was born with sufficient strong party sentiment to warrant me in going out and supporting my candidate, the candidate of my party, believing that no matter how a man swung in to win a party nomination, nominated by party delegates, he should be supported by his party. So it occurred next year, the same condition of affairs existed, and I was defeated again in the convention. There were enough pledged delegates elected to elect me, but they turned against me for some consideration or another, they turned against me in the convention, and I was again turned down. But I was again a candidate, and I then won out by having all the delegates but one. So that persistency brings its reward. (Laughter.) I then came to the Legislature, also returned by the financial assistance of

corporations. I then came to the Legislature and I introduced a measure providing for direct nominations in Senatorial districts, having as a basis my own personal experience in my own Senatorial district. Then the statement made that it is a costlier experience with direct nominations than with conventions is absolutely false unless the man who is attempting to secure the nomination by direct vote is attempting to pollute his district. If he is trying to do that then it is a costlier experience, as you gentlemen from political experience well know, that where you attempt—I do not say you—as anybody who knows the history of politics (laughter) — but where an effort is made to pollute a political district it costs a lot of money, whereas if you do not go out and buy your constituency in convention or direct nominations and go on your record as men, and as party representatives, it costs little or nothing. But the convention is the costliest system that ever was placed or forced upon any political community. That is my own personal experience. For example, years ago it cost me many thousands of dollars to be elected, to be defeated for a nomination that I should probably have won. It cost me very little to secure a nomination when I had the sympathy of the entire convention; when there was not a possibility of getting a sufficient number of the delegates away from me it cost me but very little for my nomination. Now the gentleman who succeeded me — I did not run under the new system of direct nomination — but the gentleman who succeeded me in the Senate, and who was abused bitterly for the nomination, it cost him very, very little, not one-seventh of what it cost me for a convention nomination, and he ran in what was the largest Senatorial district in this Commonwealth, enormously Democratic, with a strong Democratic opponent, and it cost him little or nothing, comparatively nothing, so to speak, under the direct system, and so he succeeded himself, and that is one instance, one exception rather; he has since represented the district; and many other districts have succeeded themselves, where they worked successfully; where they do not work successfully they have been invariably and inevitably defeated. So that the experience here with the direct nomination is that it is the cheapest and the best. If there are any questions I can answer with reference to the details of the law, or any other question, I will try to do it.

Senator MEADE: Mr. Shaw, we are much obliged to you.

Judge KNAPP: We are certainly much obliged to you, Mr. Shaw, for your statement.

Mr. SHAW (to Chairman Meade): You do not want to take too much stock in the testimony given by Mr. Mathews and Mr. Sullivan.

Senator MEADE: We will stand adjourned until to-morrow morning at 10 o'clock.

THIRD SESSION — July 14, 1909.

COURT HOUSE, BOSTON, MASS.,

Wednesday, July 14, 1909.

Senator JAMES H. VAHEY:

By Judge KNAPP:

Q. Your present occupation is what? A. Lawyer.

Q. You live in this city? A. I live in Watertown, a suburb.

Q. Is that a part of the corporate city of Boston? A. No, outside. It is a town government.

Q. How long have you lived there? A. I was born there; thirty-seven years.

Q. I understand — the committee has also been informed, Senator, that you have had an opportunity to examine the operation of the so-called direct nominations law in this State and in this city? A. I had some experience with it; I was in the Senate for a couple of years.

Q. When were you in the Senate of this State? A. Nineteen hundred and seven and 1908.

Q. Have you held other offices? A. In my town I was on the board of selectmen for four years, and on the school committee for six. I was a delegate to the Democratic national convention in 1904.

Q. And your party affiliation is Democratic? A. Democratic.

Q. And am I correctly informed that you were the Demo-

cratic nominee for Governor at the last general election, 1908?

A. I was.

Q. Is that the election in which Governor —? A. Draper was elected.

Q. Was the question of direct nominations anything that had a bearing, a matter that was discussed during that campaign?

A. Yes.

Q. As a feature of the campaign? A. Yes; the Democratic platform declared for direct nominations and I think the Democratic members of the Legislature during the two years I was there almost unanimously voted for direct nominations.

Q. You have not a copy of the Democratic platform of that year? A. I do not happen to have one with me; no.

Q. I have got a typewritten proof — I do not find just exactly the language in relation to direct nominations except that last clause is the only clause in the platform that seems to cover it (indicating). The other is the remarks made in seconding the nomination? A. Yes; I do not remember; my recollection was that it was incorporated in the platform, the Democratic platform.

Q. This clause to which I have called your attention was in the platform and I do not see whether the issue was made squarely or not; possibly it does cover it all? A. We will see that it is in this year.

Q. I suppose the result of that election we cannot determine from the election report? A. That is this coming fall — you mean last year.

Q. No, last year; that was a national election and I suppose at the same time, and I suppose the national issues absorbed the attention of the voters to a great extent? A. Yes; it is always so, as I believe every — in the national campaign, the national issues overshadow the State issues.

Q. Was there any special difference in the vote in this State? A. Yes; Taft got 110,000 over Mr. Bryan.

Q. And Hughes got 60,000 over him? A. Fifty thousand.

Q. A difference in the vote of 50,000 votes? A. Yes.

Q. During the years that you have lived here, during the years of your life time, you have had an opportunity to observe the workings of the so-called direct nomination system, as I understand it? A. I have.

Q. Both in your own locality and in other parts of the State?

A. We had direct nominations in Watertown some years.

Q. Do you operate under what is known as the primary or Luce law? A. No, we do not have the Luce law; that is we do not have the joint caucus law; we have —

Q. That is the primary in the city itself? A. Yes.

Q. You then had primary nominations in your township? A. Yes.

Q. And there was an official ballot? A. Yes, the city or the town.

Q. The holding of the caucus is at the public expense, is it?

A. No, the public does not pay anything except the printing of the ballots, and the furnishing of the place to hold the caucus, and the implements, that is the voting machines and the booths, etc. The political parties pay the cost; the political parties supply the men to run the caucus.

Q. The caucus officers then are supplied by the political parties; of each party? A. Yes, sir.

Q. And as I understand the law, the caucus held in that way would be held by the two political parties on the same date? A. It could.

Q. But, of course, under the Primary Law, they are all held at the same place? A. Yes.

Q. And voted for there. Where the caucus is conducted as in your town, have you experienced any difficulty in the matter of the members of other parties voting at your caucuses, or have you observed any such difficulty in the matter of the Democrats voting at Republican caucuses? A. Yes; in Charlestown some complaint; the Republican party is in the majority in Watertown, and when candidates have been nearly evenly matched, they have sometimes had Democrats vote at Republican caucuses. It has been getting less every year, but it has been true that Democrats have voted in Republican caucuses.

Q. Are the persons applying for a ticket to vote in caucuses made in that way, required to make any declaration? A. No; that is, if they are challenged they are; otherwise not.

Q. Then they may swear it in? A. Yes.

Q. But otherwise not? A. No, sir.

Q. So that an independent voter or an Independence League

voter or a Democrat might vote at a Republican caucus unless he was challenged? A. He might.

Q. And you say you have had some experience of that sort? A. Yes.

Q. If I recollect there has been some complaint about it on the part of the Republicans; of course the Democrats, being in the minority, there has been no complaint on the part of the Democrats of Republicans voting at their caucuses? A. No, sir; they never have.

Q. Now what is the difference in that particular locality between the two parties? A. Well, Watertown is normally Republican by about 1,250.

Q. Out of what vote? A. Seven thousand five hundred.

Q. Then the Republican vote would be —? A. The Republican vote would be about 1,250 or 1,300. Of course, the total vote is never cast — between 900 and 1,000.

Q. And is it your observation that the contests for nomination are more spirited in the majority party as a rule? A. Well, they are more spirited in the majority party in the Fall elections for State officers and county officers and members of the Legislature; but in the spring caucuses for local offices, they are about as spirited on either side; that is, the Republican caucus is the larger of the two, there are more of them, but the Democratic caucus is always a large caucus, still both caucuses, they are not run on party lines to any very great extent. Republicans may nominate a Democrat, and Democrats very frequently nominate a Republican.

Q. You refer to the local offices in the spring election? A. Yes, both elections; they may have a Democrat and a Republican on these ballots.

Q. That extends, perhaps, to what is called town meeting? A. Well, the original town meeting was where the electors met in the meeting.

Q. Yes? A. But the towns have grown to be of such size — our town is large enough to be a city — have grown to be of such size, of course, that is impracticable; the town meeting, of course, still exists for the determination of public questions.

Q. And these town affairs, the town officers, or the delegates to town conventions are voted upon at the spring caucuses, are they? A. Yes.

Q. And the delegates to the county convention, and for the nomination of county officers, and to State conventions, are they voted on at the fall elections? A. Yes.

Q. And it is at the time when the county elections are coming and the State elections and the larger number of voters that the contest is more spirited in the majority party? A. Yes.

Q. Now can you state that that is your observation, generally? A. I should think it was; I think it held true.

Q. If the majority party was so large that the minority party practically had no chance of election in a particular district, does there be even more spirited contests of the minority party; take such a case of Charlestown, for instance, where the Democratic party is about eight to one? A. I don't think the minority caucus is more spirited.

Q. So that the contest then amounts practically to a contest between members of the same party? A. Yes.

Q. When the result of that contest is decided the election is ordinarily decided? A. Yes.

Q. I don't know whether you ever had any observation of the working of this system by reading or otherwise in the Southern states where that condition prevails? A. I have not, to any extent.

Q. Where the Democratic party is so largely in the majority the contest will be very spirited in the majority party. As the result of your experience and observation, would you advise the extension of the system of direct nomination to county officers and to school committees and to State officers? A. Yes, I would.

Q. And including the Governor? A. I would.

Q. So that you are then a believer in the extension of this system to all elective offices in the State? A. I believe in it very thoroughly.

Q. And you include within that, do you, the United States Senator? A. I do. I think that is the solution of it in Massachusetts.

Q. And to members of Congress? A. Yes, sir.

Q. Do you also include in it the members of the school board and school committees? A. I believe it ought to extend to school committees. Now in our town — in our town in the way in which I have named —

Q. I guess that is right; but in the city of Boston that is the only place where it is excepted? A. No.

Q. In this State it has already been said that judicial officers are not elective officers? A. Yes.

Q. And what do you say as to the effect of a system of that kind where judicial officers are elective officers as in the State of New York? A. Well, I wouldn't know enough about it to express an opinion. As a lawyer I have great respect for your courts and I know that our courts have great respect for your courts and their opinions; in point of fact, I think that next to the opinions of the Supreme Court of the United States the opinions of the Court of Appeals of the State of New York are held in the highest esteem. And I do not see that — I do not believe in the election of judges by the people, neither do I believe in the present system of appointing them for life in Massachusetts. I think the best method is to appoint them for a term of years, for the present, at any rate.

Q. What I was getting at, Senator, was simply this, whether in a State where the elective system prevails, without reference to anybody's opinion as to whether it is wise or otherwise, you would extend the direct nominations plan to the judges as well as to other officers? A. That is purely —

Q. Assuming conditions that you have? A. That is purely an academic question, because I do not believe in electing them by the people.

Q. Of course, in our State, we have to do that way because that is the constitutional way? A. Yes, I see no objection to extending it to the election of judges by the people.

Q. Would this objection — which has been urged by somebody that there would not be under the direct nominations plan the opportunity for parties to agree upon a candidate who may be either non-partisan or Republican or Democratic, or otherwise, for the continuance of a good man as you will under our convention system in New York.

Q. State whether or not it is your observation that there is or is not an opportunity of agreeing upon members of different parties, perhaps the Republicans on the nomination of a Democrat and vice versa? A. I see no objection to that. I see no reason why it could not be just as well done under a direct nomination system.

Q. You think it could be done under a direct nominations plan, as well? A. I see no reason.

Q. If there was no party — some agreement of political parties to throw these officers — A. Well, there would have to be either an agreement between some political committee or between some prominent gentlemen in either party.

Q. But, of course, you could not prohibit or prevent any one asking for the nomination? A. No.

Q. By the general method employed in this State? A. No.

Q. Now I think with these preliminary questions, which have brought out the substance of your experience, I will ask you, with the consent, if it is the desire of the committee, to give us the result of your experience and observation on this subject, Senator Vahey? A. I will be very glad to be of whatever help I can. The situation in Massachusetts in my judgment is this: There is only one political question; take members of Legislature in the first place; there is only one political question that is ever submitted to them and that is the election of United States Senator by the people. And I believe that we are gradually getting along where we are going to adopt some one of the plans by which the people practically elect United States Senators without an amendment to the Constitution, such as the Oregon plan or the plan adopted in the Southern states, or making the people who are elected to the Legislature agree and covenant that they will vote for the men who get the most votes for United States Senator.

Q. I believe, except for the tendency that it would have to compel the election of United States Senators by popular vote that we would have had by direct nominations here now.

The Legislature of this year adopted direct nominations law, of course, in a general way the nomination law, a direct nomination law which was acceptable to a particular locality; and as you know the Legislature here is composed of 175 — that is, the House of Representatives 175 Republicans and 65 Democrats; almost three to one. The Senate is composed — was composed this year of 34 Republicans and 6 Democrats; last year it was 31 Republicans and 9 Democrats; the year before 28 Republicans and 12 Democrats; or substantially the representation keeps along about the same. That is, there is about a three to one membership in either branch in favor of the Republicans.

Well, the House of Representatives by a substantial majority passed this year a direct nomination bill. And immediately all the machine leaders got busy and they shifted enough of these men so that on the next meeting the bill was killed. Now I think that is largely due to Senator Lodge and his desire to prevent direct nomination. I think, of course, that he is very — that he just as sincerely believes in the convention system as I do in direct nomination; and I think that he as sincerely believes in the election of United States Senator by the Legislature, as I do in their election by the people.

What I mean to say is I think the tendency and the trend of public opinion, if direct nominations were once established, would be to compel the election of United States Senators by the people, and, therefore, I think that everybody connected with the Republican machine in Massachusetts is doing everything they possibly can to prevent that result being brought about.

The members of the Legislature here are elected largely, not for political reasons, but because, as I say, there is only one, practically one political question that arises in the course of a year. And some years as this year, and one of the years that I was in the Senate, there was no United States Senator to be elected; there isn't any to be again elected until 1911 when Senator Lodge's term expires, so that practically last year and this year and next year there are no questions of political importance, unless you consider the question of direct nominations to be one of political importance, and so many Republicans in Massachusetts have voted for direct nomination that I believe they have relieved it of the significance of a party question. The public service corporations in Massachusetts are the fellows who do the business.

By Senator MEADE:

Q. May I ask how they are appointed? A. What do you mean?

Q. How do they get appointment? A. Public service corporations?

Q. Oh, I thought you meant commission? A. No. The public service corporations occupy about two-thirds of the time of the Legislature. Generally our Legislature, as you know, sits annually, for a period of between five and a half and six months and in the

convention method of doing business they have a lot to say as to who shall be the candidates; for instance, you have a Republican district in which the majority is so overwhelming that it is only — a Democratic candidate in such a district as that they have all to say about who shall be the Republican candidate. And I am equally frank in saying, although I do not like to, that in Democratic districts which are overwhelming, they help to control the nominations of the Democrat and the Republicans have not a chance.

Q. So that a man is very largely elected because of his attitude upon public service corporations. A. You take a man who lives in a district which is overwhelmingly one way or other way, the prominent men in his — outside of Boston, the prominent men in his party are the fellows who decide his nomination, and they decide it sometimes for quite a number of years in advance.

The same thing is true in cities where the direct nominations are not in force. The candidates are selected by machine politicians.

Now, I believe that I have been reading with very much interest what Mr. Garcelon said about the situation out in Newton because I live in Watertown, which is the adjoining town, and I had the honor of representing Newton in the Senate for two years. I don't know whether he was correctly quoted or not; he is generally very accurate. We have been political enemies and personal friends for a number of years. But he said, or the newspaper quoted him as saying, that in one year there were fourteen Democratic votes cast in Newton and in another year there were three.

Assemblyman HOWARD: Mr. Vahey, that was in one election district?

Judge KNAPP: That was in one election district; only one in that case? A. Yes, I thought he must have been misquoted; that is the way it was printed in one of the papers I saw and I wanted to encourage whatever few Democratic members there might be in that city with the hope that when I used to reside in Newton one year we had 350 votes, and was only beaten by about 25 votes, although the normal Republican majority down there is many votes.

By Assemblyman PHILLIPS:

Q. Was that at the primary, Senator, or was that at the election?
A. Election.

Q. It was said to be on a primary and not on an election?
A. Yes.

Judge KNAPP: The vote in one year, I think it was? A. Yes; the papers quoted him as saying that at the election there were only fourteen Democratic votes cast in one year, and then within his memory there were three; so I came to the conclusion that William was getting a little —

By Judge KNAPP:

Q. The papers are usually very accurate. A. Very accurate. Then he said another thing which seemed to me to be quite significant. He said that in direct nominations — in the matter of direct nominations that the men who benefited by them were the men with a loud voice and plenty of money. Well, we haven't any statistics about the intensity of the vocal organs that I know of, but I do know that the men who are largely opposing direct nominations are the men who have plenty of money. I think the men in Massachusetts who have — who got by, by the use of money in elections, who never in God's world could have been elected if it was a question of direct nominations. And the singular thing is that the men who are clamoring for direct nominations are the men who have neither money nor parts of the political machine; and that the men who are opposing direct nominations in Massachusetts are the men who have money and the men who are parts of political machines. The political machines, I think, are opposed to direct nominations. But I had the opportunity of going about the State last fall campaigning for about a month and I had the chance of finding out what the sentiment was upon direct nominations. And I want to give you my solemn assurance that I believe that at least 90 per cent. of the Democratic party in Massachusetts believe in direct nominations. And I also want to assure you that a large number of Republicans — I do not pretend to say what the proportion is — but a large number of Republicans showed not only by their votes in the Legislature but by their talk outside and by the intensity with which they campaigned in their own districts, also believe in direct nominations. So that I think if the question of direct nominations were submitted to the people of Massachusetts it would be passed by an overwhelming majority. I do not

anticipate that it is going to get there because that is — at least right away, because the Republican machine in Massachusetts is so strong that it is powerful enough to prevent any referendum of that question, or any other question. You cannot get a referendum of any question of any importance no matter how great in Massachusetts. Of course, the Boston city charter is a notable example, and that is a kind of strangle hold referendum because they give you your choice as to what you shall do and how you shall do it —

By Senator MEADE:

Q. Mr. Vahey, isn't there some way that you can make that an issue before the people this fall in your campaign? A. The question of direct primaries? Yes, I am going to so far as I can. Of course my idea was it was included in the platform and so I supposed it was, of last year; it was talked about.

By Judge KNAPP:

Q. Your remarks in accepting the nomination quoted and taken from the paper which I have here — I did not examine the platform; that was the only portion in the platform, and on that account I understood that it was an issue. A. Another thing in Massachusetts that perhaps you do not know as much about as we do here is the fact that the governorship is practically determined six years in advance, which I think would be utterly impossible in a direct nomination system. That is, I think a good many men would be willing to wage a campaign upon direct nominations, with direct nominations upon the platform, upon that issue alone, if we had direct nominations here. But what is the use of going to a convention where the men are selected by machines for the purpose of continuing the present system in force? The man who was last year nominated for Lieutenant Governor, Mr. Frothingham — a very estimable young man, is in line for the Governorship if Mr. Draper should succeed in being elected two more years. That is the usual term of — the usual number of terms given a candidate for Governor is three years. And assuming for the moment that Governor Draper might be elected twice then it would be Mr. Frothingham's turn and he would be elected for three years.

At the time that he was elected Governor if that result ever comes about, a candidate for Lieutenant Governor would then be selected solely upon the ground that he wanted to be the candidate for Governor three years from then. Now there are a number of men in Massachusetts in the Republican party who are perfectly able to be Governor of Massachusetts and a number of them who would like to be Governor of Massachusetts. Under the present system they have not a chance and they won't have a chance so long as the present system obtains.

I have noted what the newspapers have said or what the eminent gentlemen who have been before this Committee have told you in respect to the difficulty of getting good candidates by the direct nominations system, and that they would not have anybody to be responsible to except the people. That seems a most extraordinary statement because they are the only ones that they ought to be responsible to, and I do not see that any man who is elected to public office ought to be responsible to any political machine; he ought to be responsible to his constituents who have elected him. And if he owed his nomination to a political machine he certainly owes a still higher duty to the people who elected him, because the election is of much more consequence than his nomination.

But I do not — you cannot legislate human nature — you can't change human nature by legislation; you've got to take people as they are and there will be — human nature, I presume, will always be about the same. So that I regard it not as a question of — I regard the people always as getting exactly as good candidates as they deserve. I think that every man who is interested in the election has a duty to vote, and it was his business to go and vote for the best man he can get. So that if under either system, either the system of direct nominations or the system of controlled conventions, they get, as I believe they do, as good people as they deserve, because they always have the remedy in their own hands. I do not see any reason why it does not resolve itself in a question of method, and why the method, the easier and simpler method, is not the direct nominations.

Now, under the — if you make the rules of the game broader and you give the man an opportunity to — a fair opportunity to get upon the ballot, that is good political economy. In a city of

half a million people a man ought not to be permitted to encumber a ballot simply because of the whims and temporizing of a few of his friends who may and cannot have his interest at heart; and who may treat him as a practical joke or something of that kind. No man, if a joke candidate can get a sufficient number of votes, should be permitted to put his name upon the ballot in my judgment. You are going to get, and as I believe you ought to get the best man. The duty will be the same. If a public spirited man desires to help his city or his town or his State or his Congressional district, the duty is just the same, whether the nominations are made directly or whether the number which happens to be in control of a convention come to him and say, "Why, Mr. Smith or Mr. Jones, we think it is your duty to be a candidate this year and we offer you the nomination." And it would be just as true that in making the nomination by direct primary they would have the same opportunity if he was a man of prominence in the community of going to such a man and saying to him that his duty was the same.

The same talk has been made here that is always made whenever the question of direct nominations is up to a man like a young man of business, a man of profession, a man of respectability not being amenable to being drafted twice, and not being desirous of serving during two campaigns, one a primary campaign and the other an election campaign — direct nominations campaign and the other an election campaign. But the men who are willing to serve the community in a convention controlled plan would be just as willing, in my judgment, to serve the community the other way. And if they are not willing why they have got to take the responsibility and they have got to take the blame. Personally I haven't very much use for the men who spend their time crying from the house tops about the power to nominate candidates, if they do not help to do something to remedy it.

Now what would they do. In a convention they go sometimes and vote for delegates to go to a convention. Delegates can be manipulated or controlled or deceived or cajoled into doing something which they really were not sent there to do.

Q. You have known of occasions where men were directed to go to conventions and vote for a certain candidate and they did not do

it. You have known of men who have permitted their votes to be treated, and even in the great Empire State of New York I presume you have sometimes heard of men whose votes were sold; at least the newspapers have quoted your great State as well as our State as being subject to that sort of trickery and knavery in conventions.

Sometimes a man — sometimes I have known a man to be — to get the delegates when a majority of the community was opposed to his candidacy, simply because of the popularity of the men who were his delegates, so that it comes to a selection of the delegates often times rather than the candidate; and an unpopular candidate selecting a popular set of delegates can get a great many more votes than he is entitled to upon the strength of his own candidacy alone.

I am very frank to say, gentlemen, that I absolutely and entirely agree with Governor Hughes. I do not know whether what I say is agreeable to you or distasteful. You have asked me to come here and express my views and I am telling them to you. I regard his —

By Senator MEADE:

Q. We are not curbing you, are we? A. Not a bit, no, sir; I simply wanted to tell this if I was treading on anybody's corns.

Assemblyman PHILLIPS: No apology is necessary. (Laughter.) You know the newspapers sometimes don't get the situation with reference to yourselves correctly.

The WITNESS: I regard his speech at New York on direct nominations to be as strong and conclusive a statement upon the question as it is possible for anybody to make; certainly as strong as I could possibly make it. I want to read you one little paragraph: "Some would have it appear that the matter is one of great difficulty and intricacy. In fact, we simply have to adapt our primary methods themselves to our election laws with such improvements as our own experience shows to be advisable. In reality our delegate system is far more complicated and if it does not appear to be such it would become so largely as a matter of form." When you — now take, for instance, out in my little town, when we elect a candidate for representative, we have to do it by a

delegate system because we are in with another town; that is, we do not have a delegate; we do not have a candidate all to ourselves. We are hitched on to the town of Belmont, adjoining us; there are fourteen or fifteen delegates, I have forgotten exactly how many, and the names of those fourteen or fifteen delegates are printed as being in favor of the candidacy of John Smith; another fourteen or fifteen in favor of some man, printed as being in favor of the candidacy of some man. How much simpler it is to have the names as A. B. C. who are candidates and let the men vote for them themselves. They are not bothered in getting even with some of their enemies who happen to be some of the delegates. Frequently, *frequently*, I think it has been — I don't remember of ever having seen the delegates get the same number of votes; frequently one man on a delegation will run a great deal ahead of another delegate. Why? He runs ahead because of his own popularity. You take for instance the last contest, in the election, the contest in the Republican party in Massachusetts, the contest for Lieutenant-Governor last year; there were three candidates, Frothingham, and Luce and Cole, and in some of the towns, a great many of the towns, and in some of the cities, the delegations would be split. Why? The majority of the people undoubtedly were in favor of the candidacy of some one of the three of these gentlemen and some of the other two would get the vote because of the popularity of some of the delegates whom they had to serve their interests. So that I say in a convention system it does not always truly represent the sentiment of the people. In direct nominations it cannot fail to do that, because where there are two or three or four candidates a man has to vote for one of them and in voting for one the advocates of the others, he knows very well that he is giving a truer expression of his own opinion. Then another thing that I am in favor of is to let the people make their own mistakes. I think they are always better satisfied if they make their own mistakes than if some man makes them for them.

Senator MEADE:

Q. You think they will?

Mr. VAHEY: Yes, I think so. Then they cannot blame anybody for making mistakes.

Q. You think they will make mistakes? A. Oh, I think we find — I think very likely; they always have; I don't believe we can prevent them from making them; I think they made a mistake last fall in not electing me Governor.

Q. I heard they did? A. I can't blame them very seriously for it.

Q. You hope they won't make the same mistake this fall? A. I will try to prevent them from doing that. (Laughter.)

By Assemblyman HOWARD:

Q. What I have in mind, Mr. Vahey — may I ask you a question? A. Yes.

Q. You stated you were entirely in sympathy with Governor Hughes? A. On direct nomination.

Q. Do you mean the general principle — A. On direct nomination.

Q. Do you mean on the general principle or with the exact measure that was introduced? A. Oh, no, I don't know anything about the local situation there. The exact measure may be entirely wrong because your situation there is different from ours. Now, on the general principle of direct nominations — I don't know — I understand that your bill was a tremendously long one and that it applied to everything.

Q. Except village and town elections; it did not apply to those? A. Well, I did not understand.

Q. Now another question: have you made a study of the matter sufficient so that you can state to the Committee what you consider the best general method of carrying out direct nominations? A. Well, I don't believe that — I don't think that I will dare to suggest because I have not given — while the issue in Massachusetts is in the state it now is, that is whether we shall or shall not have direct nominations, is treated largely as a big matter, and as a big matter I am in favor of direct nominations; the details of it I do not pretend to work out. My good friend Boynton, if it came to a question of working out a plan, would be the most capable man I know of in Massachusetts to do it. But I think that there is not any difficulty in adopting some general plan based upon the principle of the election; but I do not pretend to have any plan; I simply say it is safe; I believe in direct nominations.

By Judge KNAPP:

Q. Pardon me just a moment; I think upon that question by a member of the Committee it proposes especially in reference to that provision of the bill which permits the nomination to be made by political parties and gives the nominee of the political party a preferential position upon the ballot; that is one of the peculiar features of the bill referred to by Mr. Howard? A. Well, I never have taken very much stock in that feature of our law; I do not see any reason why the same practice should not obtain as in the elections where they are arranged alphabetically.

Q. Will you state whether or not, in your judgment, that would be a wise provision of the direct primary law? A. I think so.

Q. In addition to allowing the nominations to be made by petition and also allowing them to be made by a political committee that is elected by direct nomination? A. That is to give both a political committee and the people the right to make it?

Q. That is to give to the political committee, their nominee, the preferential position? A. No, not to give him any preferential position. I see no objection to letting them nominate anybody they like and put them on alphabetically.

Q. The rule in Massachusetts as I understand it, for most offices, is that they go on in the order of the filing? A. Yes, yes. That is the rule as to the nomination.

Q. Nomination in the order of their filing? A. Yes, sometimes they —

Q. Well on that question — without interrupting you — it has been claimed on the part of those that in a way disagree with you in the matter of direct nominations in the city that the filing of these nominations has been frequently a scene of considerable disorder, that men will sit, hire rooms and sit all night, in order to be in the vicinity of the filing place in order to get their names on, etc.? A. That is true.

Q. Well, is there any special law in getting the name on under the circumstances? A. I don't think so.

Q. So you think the people who rent the buildings in the vicinity of filing places are doing it for naught? A. Well, it makes it — they claim that it makes it easier in sending out a circular to the voters of a ward, of a district or a city, to say their

delegation is the first on the ballot; but I don't see why it isn't just as easy to say to the voters, "Our delegation is the last on it." I think the proper way is to put them on alphabetically.

By Senator MEADE:

Q. Isn't the first delegation easier to find on the ballot? A. Well, I don't know but that it is; it may be so.

By Judge KNAPP:

Q. To a voter, perhaps, that is not well informed? A. Well, I must say that I do not agree with that method of doing it; I think the best way —

Q. Well, Senator, would it make any difference in your opinion if there was no educational qualification, if some of the voters, as in our State, are people who cannot read or write? A. I didn't know you had such —

Q. We have no educational test in New York State. A. Some of the voters cannot read or write?

Q. We have men who cannot read or write anything or read or write English, of course. A. They have the right to be assisted at the polls?

Q. No, not for that reason. We have an emblem on the ticket, from which they can determine; they must vote at the election for all the party ticket following that emblem; they could not select very well the different men.

Senator MEADE: People that cannot read, you know, can read pictures.

Assemblyman HOWARD: They cannot read or write, but they can tell an eagle from a star.

A. I think you should change that qualification for voting, rather. (Laughter.)

By Judge KNAPP:

Q. Well, there is the safeguard of the qualification —

Senator MEADE: That is one of the subjects that this Committee was appointed for, to investigate the election laws as well as the primary law.

By Judge KNAPP:

Q. I meant to ask for the Senator's opinion, if that applied to the conditions in that State? A. Yes, sir.

Q. Whatever system would seem to accomplish the object or objects, that is, secure the best candidates and give the people the best opportunity under this system — and I know I can tell you, and I am willing to say for the Committee, I am not concerned about pleasing or displeasing anybody, but simply to get the truth and the facts so that we can draw a conclusion that will be for the best good of the people of our own State, if we have your system, if the Committee recommend? A. Yes.

By Senator MEADE:

Q. I just want to ask a question. Do you think, Mr. Vahey, that the issue of direct nominations this fall will be sufficiently definite so that the result of the election will reflect the sentiment of the masses of the people of the State on that question? A. I am afraid not; I am afraid not, because there are always other issues, and while a man might believe in direct nominations he might not think it was as fundamental as I do.

Q. Well, if you are a candidate you propose to make that as much a prominent issue as possible? A. Yes, sir.

Q. So that it may in some degree, if not in absolute degree, reflect the sentiment of the people, so that we can get some information — A. I will tell you.

Q. (continuing) for our Legislature, which meets in January, as to the feeling of the masses of the people of the State of Massachusetts on the question; that is what I am getting at? A. I will tell you this: That if at the election this fall, in making as much of an issue as we possibly can of direct primaries, beats me worse than I was last year, I would be willing to say that direct nominations are not as popular as I think they are.

Q. Well, that is what I want to get at, so that we could get some idea, if possible, of the sentiment of the people? A. But the mere fact —

By Assemblyman PHILLIPS:

Q. Senator, what is the normal Republican plurality on an off

year for Governor; I mean by an off year not a presidential year? A. It is pretty hard to say. The difficulty has been that two years ago the Democratic party was split in two, when in the Springfield convention we had a riot over the railroad problem; Dyer was elected by over 100,000 majority, and the year before that I think his majority was 30,000 or 32,000, and the year before that I think his majority was only 23,000, because the year before that we had a Democratic Governor.

Q. That was the preceding year of 1904? A. Yes, that was when we had a Democratic Governor elected by 75,000. But it is quite difficult to say now just what the Republican plurality in Massachusetts is. Roosevelt got a plurality of 92,000 and that was considered to be enormous. Taft got even a bigger one; he got 110,000.

Q. But that year the Democratic candidate for Governor went up to 20,000; was in 1904, you say? A. Thirty-five thousand, the biggest majority a Democratic Governor ever had; who was the most popular Democratic candidate that ever ran for Governor, and was elected by a very spare majority and landed by 1,800; one of the Democrats by 2,500, and got nominated by 2,000.

Q. Well, those were in the past days; there did not appear to be such large majorities as they have been having in recent years?

A. Well, that was before there was any great split in the Democratic party.

Q. Yes. Well, Senator — A. But I should say, judging by presidential elections, which is the only safe thing, taking in view the dissensions in the Democratic party two years ago, that somewhere between ninety and a hundred thousand in national affairs.

Q. Senator, we are very much obliged to you for giving us your views, and I think the Committee — I know I do — think you are sincere in your belief that the direct nominations is the best method of choosing candidates for public office. Now I ask you if the ultimate results, of course, of all the different methods of choosing candidates for public office, the ultimate result is better government, is it not? A. Yes, sir.

Q. A better class of officials; that ought to be the ultimate result, don't you think? A. I think that you and I could probably agree about what you mean by "class." I should think so, yes.

Q. Now that being true, do you think that — we will say the Representatives in the State of Massachusetts who are nominated under the direct nominations plan — are superior to those who are nominated under the convention system? A. We haven't any sufficient amount of statistics to judge by. For instance, if you take a concrete illustration, take a Democrat from Boston and a Democrat from out of the city, one elected by convention and the other elected by direct primary. There isn't any way that I could compare; that may be so, if I saw the people were more influenced — you may say the men from outside of the city and you may say the men from the city hold office — to compare them; the only way that I could compare them is to take a candidate selected in Boston by convention system and the ones you elect now, and see whether or not the *personal* character has deteriorated.

Q. That was the opinion of some of the men who appeared before this Committee? A. Yes.

Q. Giving their views on the question. A. Their opinions are entitled to a great deal of weight if they tried to tell you.

Q. Mr. Vahey, there is some difference of opinion and I was simply — A. I don't agree with them at all.

Q. Mr. Vahey, I don't know whether I understood you properly, in your opening statement, correctly. Do I understand that your theory of popular government is that so far as the State and local and smaller municipal divisions of the State are concerned, the question of party principle is not involved? A. I don't think it is at all.

Q. In other words, you believe in the individuality of the particular officer, rather than the principle of political affiliation which we have? A. I think you have got to have political organizations, but I do not believe that in State and municipal affairs party designations cut any figure.

Q. In other words, you believe it is better to have individual responsibility than it is to have party responsibility? A. Yes.

Q. Don't you think it is necessary in the government of a State to have any party responsibility at all for the conduct of the government? A. No, sir.

Q. You prefer to rely solely upon the individual? A. Yes, sir.

Q. And his responsibility, so called, to the people? A. I don't see how you can tell who is to be responsible where there are no parties — no international affairs.

Q. Of course, that is a difference of opinion on that one question? A. I know I am expressing my — telling you my view.

Q. Yes. I say, of course, it follows from your opinion? A. In national affairs, of course; there will always be fundamental difference between the two parties, and you've got to have political organizations. And of course it is well to maintain political organizations for national financial affairs and for — as soon as you elect United States Senators by the people you've got to put the questions, if there are any of them, in the hands of your political committees.

By Assemblyman PHILLIPS:

Q. Senator, do you believe in the initiative and the referendum? A. I do.

Q. And the recall? A. I do.

By Assemblyman CONKLIN:

Q. If there is no party responsibility why should there be party nomination? A. Well, you mean in State and local affairs?

Q. In State and local affairs? A. I don't see any reason for that.

Q. Then what is the need of direct primaries or direct nominations at all? A. To give the people a chance to put somebody on the ballot to be elected.

Q. Well, I mean direct nominations of party men? A. I don't regard it as necessary.

Q. You don't regard it as necessary to have direct nominations of party men? A. No.

Q. In State and municipal affairs? A. I do not.

Q. Would not, then, the nomination by petition meet your views just as well as nomination by direct vote of the people? A. I did not quite get that.

Q. Well, if it is not necessary to have parties in State and municipal affairs, what then is the need of having voters enrolled or designated, the voters of the party designate the men to run

as the nominees of that party; would it not be just as sufficient, to your mind, to have a general nomination by petition for a general election? A. I think it would; as I was not able to observe, gentlemen — I was about to reply, I was not able to observe that there was any party question that required any party organization.

By Senator MEADE:

Q. Under that plan, Mr. Vahey, you would do away with the expense, both to the candidate and to the Commonwealth, of the primaries? A. I don't know that I would be willing to go as far as that; as I say, that it might not be advisable to have a primary so that you could eliminate certain candidates.

Q. You could eliminate them by your way of getting before the people by petition? A. Well, you can do that now; we can get before the people by nomination papers and you can have caucuses and conventions.

Q. Well, I say you could eliminate them by merely putting up — A. No, but it certainly does affect his influence. A man who goes into a contest and is defeated and then takes out nomination papers is nowhere so strong as he would have been if he had gone before, came in and started fresh with nomination papers. And I think that you eliminate candidates. No man ought to be allowed, simply as a matter of personal gratification, if a sufficient number of people don't want him to be bothering the people, to put his name on the ballot.

Q. But, Senator, you could make the restriction sufficient; that is, require a sufficient number on the petition to eliminate almost as thoroughly as you could the other way, couldn't you? A. You could what?

Q. Require the qualifications, that is, enough names on a petition so as to eliminate a candidate just as much in that way as you would another way? A. That would be one quite effective way, I think, of doing it.

By Assemblyman SCOTT:

Q. Senator, I want to ask you this one question: I don't know as I understood you before entirely. Supposing a measure was

proposed which provided for the election in a political subdivision of the State of a committee, one from each election district, with a certain number of votes, which committee after election should get together and nominate a ticket for that municipality. In addition to that the candidate of whom should be given a preferential place upon the ticket. And in addition to that it was provided that any one desiring to run for any particular office upon that ticket should have his name placed upon the ticket by petition, and then the ticket was prepared, and then the candidates qualified under the law be presented to the electors for their ratification, possibly; would you call that a direct primary plan? A. Well, I wouldn't call it a direct primary plan. I think it would be a fairly good approach to a direct primary plan, with the elimination of the preferential position.

Q. Would you say — A. I see no objection — personally I see no objection to giving —

Q. I am not asking — I am asking how you would define it? A. Yes.

Q. Would you define that as a direct primary? A. I should not, no.

Q. And if a person was opposed to that bill would you say he was opposed to the principles of direct nominations? A. I should.

Q. If he went no further? A. Yes.

Q. You should say he was opposed to direct nominations? A. Yes.

Judge KNAPP: I don't think the Senator understands.

By Assemblyman SCOTT:

Q. Simply because he opposed that measure. I mean if he opposed that measure on no other ground only that he did not believe that it was a direct primary, would he say he was opposed to direct nomination? A. I don't think his simple explanation he did not believe it was a direct primary would cut any figure with me; I think the question would be whether it was a direct primary, or not. He might perfectly honestly believe that it was a direct primary and I might not believe with him. He might believe in direct nominations as much as I do. I have the greatest respect for other people's opinions. I have learned enough, I hope,

to believe that. But I think in your plan, if you eliminate the preferential position and give the man who has the endorsement of a committee a place on the ballot with their endorsement, that he is getting as much as he ought to get because he has the benefit of organization which is, of course, a good deal, and the other men have simply the benefit of having asked promiscuously a certain number of men to sign their papers.

Q. Would you consider that the candidate of a committee had any advantage over an independent candidate — I don't mean to say independent, but the candidate who was passed on by petition.

By Judge KNAPP:

Q. That the candidates reported by the so-called organization was to have the advantage? A. Will you put that over again?

Q. Whether it is any advantage being named by the committee over the man who gets the nomination by petition?

By Assemblyman SCOTT: The consideration is, of course, I take it from the fact that this committee was elected and represents a party that made this nomination; would that give him any advantage over the man who went out and circulated his petition that his name be placed upon it? A. Well, I should say in the existing situation of public opinion that it probably would give him an advantage.

By Judge KNAPP:

Q. What is the experience here with reference to the nomination of candidates by direct nominations. Is it your observation that those who appear to have the support of the so-called ward committee or organization of the party have a better chance than others? A. I should say as a general rule that they do.

Q. That they do? A. Yes.

Q. The records substantially show, if we could get at them, who the men are; at least the cases indicated at any rate by gentlemen here that that has been true in a number of cases and I ask if it is your observation? A. Yes, I should say the mere fact —

Q. So then, the question asked by the committeeman, that a preferential position given to the nomination of a candidate placed

on the ticket by a political party or by a committee you think would give that person an advantage over candidates placed on the other way in the ordinary way by petition? A. The preferential position would remove — in my estimation help the situation by removing all scenes of disorder and would make the thing fairer so it would be just the same as the plan my judgment is —

Q. There is no disorder if the law gives it to the party indicated? A. No, I mean if the situation was —

Q. The situation here? A. The situation in this place where the candidate — the situation in the hypothetical question which was propounded by the committeeman assumed that the man was given a preferential position. Now, then, if he was given a preferential position by law, of course there wouldn't be any scenes of disorder there. But my opinion is that the candidate of the committee irrespective of preferential position has a better chance any way because he has the benefit of the organization working for him.

Q. There are a few fundamental questions which I want to bring out there; that is, if it is agreeable to the Committee. What do you say, Senator Vahey, as to whether or not in this locality and so far as you have observed in others outside of counties, outside of political organizations, what might be called an honest difference of opinion as to the practicability and desirability of this system? A. I think there is.

Q. You think there is? A. Yes.

Q. Do you know what position the professors of political economy and politics in Harvard College take on this subject of nomination, whether they take any position; I am uncertain; I ask for information, simply. I do not know. I sought to get one. A. I had a debate with Professor Monroe of Harvard College, who is taking Professor Lowell's place as professor of government; and my impression is that he favors a commission government for the same reason that a good many people oppose direct nominations. I haven't got any — I cannot tell, cannot say what he thinks about direct nominations. Whatever he thinks, it would be very well worth hearing. I am afraid he is in Europe now, and you cannot examine him here in this —

Q. I had heard of that debate and made some inquiry about it,

irrespective of the issue that was raised and thought I would get it from Professor Monroe — A. It was entirely a question as to whether there should be a commission government.

Q. What position did he take about it? A. He is in favor of a commission government under President Lowell, since President Eliot.

Q. And our attention has also been called to an article in the *North American Review* by Professor Ford, professor of politics of Princeton University. Have you read it? A. I have not happened to see it. Is it recent?

Q. In this July number, the present number. There are some questions that he raises there (producing *Review*). I thought, perhaps, you might be interested. It is claimed on the part of those, many of them contending for direct nominations, that it removes the so-called political committees from political power. Is that your experience and observation? A. Yes.

Q. You think it does. It is claimed on the part of others who are opposed to direct nominations that it disorganizes and disintegrates the party organization and raises up some factions in the majority party. State whether or not you have made any observations upon that subject? A. Well, I am inclined to think it would affect party organizations to some degree. Just how much I am not able to say. In Boston it has not seemed that direct nominations have affected the organization here.

Q. Have you had any observation as to whether or not, where the majority is great in either party, factional differences arise here? A. I don't think so.

Q. In the party? A. I don't think so. In Boston the Democratic majority here is anywhere from ten to twenty thousand and I think the organizations have not been affected by it.

Q. Men, I think, like Professor Monroe and Professor Ford to whom I have referred, and President Schurman of Cornell, think that there are frequently too many elections rather than too few. What is your observation on that subject? A. I don't agree with them.

Q. Your idea would be that elections might be extended so far as the other officers are concerned; I mean direct elections or primary direct nominations in this State? A. I think they could.

Q. Did you go into the question of expense to candidates? What is your observation? It is claimed here by those opposed to the direct nominations system that the expense to poor but worthy candidates frequently is prohibitory? A. Well, if that is true, my observations of the men in Boston where direct nominations are — I have observed very often in the nominations have deceived me, because I have never seen any rich men to any extent running here.

Q. Your observation is the contrary, then, as to that? A. Yes.

Judge KNAPP: I don't think there is anything more.

By Senator MEADE:

Q. Just one question more, Senator. Am I correct in my assumption that you have direct primaries, direct nominations in this State under both forms of caucus or primary? A. Yes.

Q. Somewhere they were joint and somewhere they were separate? A. Yes.

Q. What is your opinion as to which is the better of those two methods — holding the primary — A. I have been inclined to think that the Luce method of holding them jointly is better.

Q. Holding them jointly? A. Yes.

Q. What is your observation, Senator, as to whether or not more or less contention is aroused between candidates under one plan or the other, direct nominations or convention nominations? A. I don't know that I could express any opinion about that; my impression would be that there would not be any difference.

Q. You have observed the condition in those cities under both plans, I assume? A. Yes, I should not have received the nomination myself except from a convention, except on local affairs. And it might have been personally, for instance less, for I was practically unopposed in the convention. If there had been a direct nomination, I probably would have been. And so far as I was concerned there would be a great contention over my nomination, but still I think it would have been, perhaps, the better thing for me if there had been a direct nomination, a little more interest in the campaign.

Q. You think from the consideration you got that under the convention system the voter to a more or less extent loses sight of

the candidate, both for the candidate and particularly for the office? A. To some degree that is true.

Q. To some degree? A. Yes.

Senator MEADE: Is there anything else? If not we will close.

Judge KNAPP: Just a moment, if your honors please. Of course, you are willing to admit this with everybody else, that this is a representative government and not a pure democracy. Is that the position you take? A. Oh, I think the government is representative. It has been decided by the Supreme Court that it is.

Q. Do you believe, Senator, that with regard to fundamental or matters comparatively simple it is practicable for the electorate directly to express its views? A. I think it is entirely practicable. If we ever get by this charter question of Boston; I think that would absolutely demonstrate it.

Judge KNAPP: That is all.

Senator MEADE: We thank you very much, Mr. Vahey, for voluntarily coming here and giving us such a full, careful and complete statement as you have. A. I am very much obliged for the invitation and it has been a very great delight to see you all and I hope you will enjoy your stay here.

Senator MEADE: If you have not met all of the Committee personally, Mr. Vahey, if you will wait we will be glad to have you meet them.

Mr. VAHEY: I would be very glad indeed.

Senator MEADE: We will take a recess.

Judge KNAPP: Yes, a recess for five minutes to meet Senator Vahey.

(Recess.)

After recess.

Senator MEADE: The Committee will come to order.

Judge KNAPP: Gentlemen, I have the pleasure now of introducing ex-Treasurer Harrington of the Third Suffolk district.

Mr. HARRINGTON: Second.

Judge KNAPP: Second of this State.

ARTHUR HARRINGTON:

By Judge KNAPP:

Q. I am going to ask Senator Harrington simply with refer-

ence to two or three matters which have not perhaps been properly brought in this examination; especially referring to his own experiences.

Q. What is your present occupation? A. I am an attorney.

Q. And practicing in this city? A. Yes, sir.

Q. That is your residence, in this city? A. Yes, I was brought up in Charlestown and lived there all the time.

Q. In Charlestown? A. Yes, in Charlestown.

Q. And your political affiliations? A. Democratic.

Q. And you were elected to office from that district, were you?
A. Yes, sir, both the House and the Senate.

Q. How many terms? A. Two terms in the House, 1900 and 1901; 1903 in the Senate; in the year 1899 or 1900, I forget which, I served in the Democratic State Committee.

Q. In the year 1900 and 1901 by what method were you nominated? A. We were nominated to the House by direct nomination; each one of the Suffolk districts then sent two members directly nominated, out of that provision of the charter which says that in a district which is wholly within a city and composed of two wards of the city there shall be direct nomination; that dates way back to some time in 1890, I don't know exactly when it was.

Q. That has been in vogue here for a long time? A. Yes.

Q. So far as representatives are concerned where the district is wholly within a city? A. Yes.

Q. And you were nominated by that method? A. Yes.

Q. Were you nominated upon the first trial? A. No, I was defeated by about thirty or forty votes in the caucus, as they were then called.

Q. It was called a caucus then? A. Yes.

Q. Upon what was called three places, was it? A. Yes, or more than two. The first time I was a candidate for two places, and the second time for two places, and the third time for two places.

Q. What will you say — what is your observation and experience as to the expense of the candidate himself in conducting a campaign of that character? A. Well, I only, of course, take —

I don't think — when I ran for the Senate in 1901, we had just changed from a convention system to a direct nomination system; and one of those to urge the bill in the House last was then chairman of the Election Laws Committee at the time the direct nomination went through and in the Senate and got Democratic votes for the bill, and when I ran I was defeated although I carried three wards out of four in the district and under the convention system I would have been nominated. That was brought about in this way: they ran in a third candidate, which I think has not been touched upon in this way, or I have not heard it — generally, there were two sides or two factions to the party and in order to drop me they ran in another candidate, everybody said, so I was defeated for the nomination by eighty-four votes, and the other candidate in our district received something like seventy votes.

Q. Just let me — you say they ran in another candidate? A. Yes, my opponent. The following year, then we got that other candidate out of the fight and I was nominated by something like thirty votes, the following year; that is one of the disadvantages of this system. The reason why I say that is to call the Committee's attention to that is that very often a locality candidate is nominated; and it happened in our congressional fight here in the city of Boston, Kelliher received the majority votes of his party and there were other candidates in the field and the amount of votes cast against him was greater than he received. That is one of the disadvantages of the system. Now, in regard to the expense, I would say in relation to that — previous to that I had been interested in Senator Shaw's campaign, who came here yesterday, I believe, and spoke before this Committee. I find, roughly, it is about three times as great as what it had been under the convention system.

By Senator:

Q. Is there a difference between different offices in the expense, Mr. Harrington? A. Oh, yes; oh, yes; considerable; the larger the district, of course, the greater the expense, because a greater number of people have to be reached by literature, and a greater number of halls have to be hired; and if you have to have workers at the polls a greater number of workers at the polls had to be

paid, and carriages and in every way, according to the size of the district; of course the expense is larger, but relatively it is about three times as great; that has been my experience in the last ten years.

By Judge KNAPP:

Q. One question you spoke of before which I am not quite clear on; you say that there is a practice sometimes, where the majority is large in one party or the other, on the part of candidates to induce others to become candidates? A. No doubt about it.

Q. So as to split up the vote? A. Not only that, but they put in the name of another person who has a similar name. For instance, in this district say John L. Kelly ran for alderman, and his opponents put in a John E. Kelly besides as a candidate, although not entitled to run; in fact, it is done right along, and that is another of the disadvantages of the system. Now I want to correct another thing I think ought to be corrected here, and that is this: It has been stated that our direct nominations are put on the ballot in the order of our filing; that is not so; that is not so. Our direct nominations, where they vote for a man, are put on in the alphabetical order.

Q. Section — A. That is in the book there (indicating). But where there are delegates they are put on at the time of filing and that is where the fuss takes place for the filing of papers. I suppose I might say that certain organizations in Boston — we were among the first who started to file our papers early and hire rooms and all that; we have been all through that half a dozen times; we also have to — of course, a little practical politics — after we learned it was not given to us we took it to the courts — that is, the election commissioners — to the court once and won out in the courts. That has all been changed now, because the law was changed and it is practically under the direction of this committee — it says the decision of the local registrar shall be final and the local registrars — that is, there is no appeal to the courts and the local registrars have the final decision for the last three years; that is, since the law has been changed that the time of filing of the papers or the receiving of them shall be final, so there is practically no running for places in the Democratic party,

because the machine always sees to it that the papers are properly filed with proper endorsement.

Q. Do you mean to say by that — A. That is under the primary system that happens.

Q. That the secretary is not obliged to mark the time, the actual time of filing? A. He does. He marks it to suit himself; there is no question about that at the present time.

Q. As a result of that is it true, in your observation, that the time of filing is sometimes marked differently from the — A. Oh, most every — done every time there is the filing of papers of nomination in the city of Boston; it is invariably done.

Q. That is, it depends on whom the organization wants? A. Exactly.

Q. That is the motive of — A. Well, it is true, because I have been through it. I have been both with the organization in the city of Boston and against it at different times in my political career in the last ten years, and I have been secretary myself for one or two years, I forget which. Now the other point I wanted to speak about in regard to the disadvantages of the system, I spoke about the other candidates being put in, and expense. It has a great many advantages. Wherever the district is within a city like our local district — I introduced a bill in 1903 which makes the Ninth and Tenth wards congressional district, direct nomination, and with the aid of Mr. Luce we passed the bill through the House and Senate; I was in the Senate at that time, so I am responsible for that piece of legislation. Also for the councilor district, which is entirely within the city of Boston. I drew that bill and that is in the law to-day — in 1903. My experience has been that wherever a district comes directly within a city or a town where there is a compact, you might say — I mean homeogeneous population — that the direct nomination works first class. Where you go out in a rural district it does not work and that can be illustrated in this State from the fact that our towns have, as you gentlemen know, what is known as the town meeting; that is as pure a system of democracy as there is, where they vote directly on all questions, including taxation and light. And yet those towns which had the pure democracy have invariably refused to ask for direct nominations for members of the House and Senate, and the reason is this: A large town by its

larger number of votes will control the district and the little town could never have a representative in the General Court or in the Senate. Now what happened in our district and happened out in the Newton district that Senator Vahey represented. Newton and Watertown controlled the district in regard to candidates and the country towns didn't get a chance. The result is that there is once in a while a Democrat like Mr. Vahey and then the senatorship is passed up. Now in our district we have East Boston, which has a population of about 25,000, and we have Charlestown, which has 45,000, and we have three wards in Cambridge; three different cities, practically three different cities and three different communities, different from the others of about 50,000 also. There are 26,000 or 27,000 registered voters on the voting list. In the primaries they gave about 12,000 or 13,000 votes to the man to be nominated and he received between six — about 6,500 votes altogether, and I received nearly 7,000 votes once. That is another disadvantage of the system, as I said when talking to you during recess. It is an awful task to go out among those people and meet them all. And you practically have to devote — I know I started in on my second campaign, as I remember it, right after the 4th of July; the caucus took place about the 10th or 12th of September and I put in practically two months of solid work at that in order to accomplish it, and the previous year I put in some ten weeks' work until the 10th or 12th of September. That was the first year of the direct nomination system. Of course that is the disadvantage. Now one question about this matter of control. The machine practically has as much control in the direct nomination district in the city of Boston as they do in a convention. Once in a while a man, under conditions, will get up and beat the machine, but a man who has been endorsed by the ward or city committee, he has a mighty great advantage in carrying it. I know the difference. I want to say I fought the machine both times; they defeated me once by putting in this other candidate, and I was elected the other time; but you take it in the long run the machine candidates will win in the city of Boston under the direct nomination ninety-nine times out of a hundred. So that my observation has been that it affects the organization practically not at all. In regard to factions that was brought up by the Judge. In the city of Boston we have

increased our Democratic majority instead of decreasing it. They fight at the primaries, but they generally go to the polls and vote for them. And I do not think in the city of Boston it has affected the organization, that is the party organization, at all. There was one other point that was touched upon by Mr. Garcelon, I think, here the other day, which is true — the direct nomination — that the joint primary does increase the majority party and decrease the minority party where they have caucuses and the joint primary. That is not true. And that is the reason why in Newton, as he said, the Republican party has been growing stronger and the Democratic party in Boston growing stronger. It is not true of direct nominations; it is of direct nominations coupled with the joint primary, under our joint primary law. I suppose that is one of the reasons why — if a man should come down and declare his name and his party, he is handed a ticket and he cannot change his vote unless within a year, a full twelve months from that time, he intends to change his vote at the poll — to change that he must give ninety days' notice, or else he becomes located in the party for good; if he wants to cast — and I have known of Democrats in the cities like Newton and Somerville and Malden, which are heavy Republican cities, have gone off and become Republicans under the joint primary act; that is, in large primaries, a primary big enough; and in Boston in Democratic wards a lot of Republicans have become Democrats, in our district. Our district at one time gave 700 or 800 Republican, these three wards; the Republicans don't cast now 1,000 votes in the district. But that is due not to the direct nomination as it is the direct nominations and the primary system; that is due to the primary system in those cities where they have, for instance, the joint primary and convention system of nomination, the same thing; all the young Democrats in a Republican city go into the Republican party, and all the young Republicans go into the Democratic party in Democratic cities like Lawrence and Lowell and cities like that. That is due to the primary act; it hasn't anything to do with the direct nominations at all. It is brought about by the primary act. Those are the points that I wish brought out.

By Judge KNAPP:

Q. Isn't it true that the majority party, that is, under the convention system, can get voters more readily than a minority party?

A. I say not.

Q. The party that is successful is larger ordinarily —

A. Under the joint primary act.

Q. Outside of that, under the old convention system? A. I don't think so, because I will tell you why — of course, this is practical politics, this is practical that I am talking about. There is more or less patronage goes with any party. If a man is not enrolled as a Republican in a Republican city, he cannot ask favors from the Republican organization. If he wants to be enrolled as a Democrat in a Democratic city why he can ask favors; whereas if anybody goes to a politician, be he a Democrat or Republican and he says, "I want you to do this or that;" "Are you enrolled?" and he goes and looks it up and if he is not enrolled he does nothing for him; that is the argument in those bodies; and that is due to the primaries; nothing to do with direct nominations at all.

Q. It is claimed on the part of those advocating the direct nomination system that it eliminates the so-called political boss?

A. I saw that.

Q. That is true, is it? A. I don't think it does.

Q. You think it does not affect? A. I think it does not.

Q. That condition? A. I don't think it does. I think that there is a strong organization like in Newton, as Mr. Garcelon said, in the Republican party and in Boston in the Democratic party, that the endorsement of the organization, ordinarily where the leader or the district leader goes in, why as I say, in ninety-nine cases out of one hundred that endorsement will win for a candidate under direct nomination.

Q. What you have given us is the result of your experience and your observation? A. Both, sir. I have been in politics ten years and I am not out of — I hope.

Judge KNAPP: I have no further questions to ask.

By Senator MEADE:

Q. Mr. Harrington, state whether or not the direct primary

system would be practicable or workable in a district, a Senatorial district, comprising the half of a city, which half contained, probably 100,000 people, and also the half of a county containing nine or ten towns? A. It would be absolutely impracticable. In the first place, this is what would happen; the city if it had this number of delegates, it would dominate the towns; they would select their men; the country districts would not get it; the result is the country districts either by running an independent candidate, they might support the candidates of the opposite party. That is just what has happened to-day in our district. Now over in our district for twenty years Charlestown has had the Senator; although Cambridge and East Boston are in the district, for twenty years they have never had a Senator. And why that is so. It is done by politics. They are factional in this and this is done, and whenever we in Charlestown want to win we put up a man and we get this district support from one faction or the other; that is the way we do practically when we have a district so overwhelmingly Democratic, the most — the strongest in the State, I believe, so that they would soon show their dissatisfaction in a district such as you speak of, Senator; the city will dominate the district, and the country district then will turn their vote and they will support the candidate of the opposition party. That is one of the evils of direct nominations system. The larger communities will dominate the district; there is no doubt about it at all.

By Assemblyman HOWARD:

Q. Senator, don't they do that under the convention system? A. No, they have agreements there so they know by that agreement. The towns of a district, we will say, have a five years' agreement or a ten years' agreement. The towns in this State in the districts, are under a ten years' agreement; if you would say the city has three-fifths of the population, well, they will get the Representative for six years and the Senator — and another city and town has one-fifth, well, they will get it for two years; and another city or town has one-fifth of the population and they will get it for one year, and by the convention system those agreements are carried out. Under direct nomination they cannot carry out such an agreement as that. And that is the reason why these

towns that I told you about that have fewer Democrats, yet they have invariably been against direct nomination, because it would eliminate them.

Q. Senator, would not the State government, composed of good men, although they came from one section of the district all of the time, be better conducted than to portion it out to different sections regardless of the men? A. No, I don't think so. I am one of those that believe in rotation in office. I think that one of the best things we possibly could have. And I do not believe that for instance, the city element should not dominate the State as they do — in this State nearly every one of the Senators come from the cities. They should not do that. We should have representatives from agriculture and representatives from labor and then we should have representatives from the manufacturing and from the business interests. We should not have one class; that leads to classes, you know, and classes prevail.

Now in regard to the direct nominations what I would advocate, what we advocated here in Massachusetts, is this: Wherever the district is compact enough and practically included in a city like the Worcester and Nahant districts which went into direct nominations last year; Worcester went into direct nomination for three or four years or year before last — now, I say that wherever a district is compact enough to be a city or a district, a metropolitan district like Boston, that is homogeneous, that they should have direct nominations. The expense is larger but in the end less — it is better for everybody concerned; and as Mr. Vahey says, when they nominate their own people they are perfectly satisfied with a man and they do as they please with him.

I also think that in the case of a head executive, like the mayor of the city, like a governor, that they should be nominated directly and be responsible directly to the whole State. Otherwise by the manipulation of a convention or a machine, as pointed out here last year in the Republican party, there were two able and efficient men, and by a combination of circumstances while they may — or as happened last year in the Democratic party, with the vote cast in the Democratic caucus for Parker and the votes cast for Whitney, Parker had more votes than Mr. Whitney and yet the delegates knew that Mr. Whitney had a majority of the delegates.

It is the same old story as in the case of President. I suppose you know that more people voted for Blaine in the United States than voted for Cleveland, and yet Cleveland was nominated President. Also Harrison — more people voted for Harrison's opponent than voted for Harrison, and yet he was President. That is brought about by the electoral college, which is nothing but a delegate system as you all know. It is easy enough to see how it can be done; for instance, the Blaine — Cleveland carried New York by small majority and yet Blaine carried lots of other states by large majorities. And that is the reason why this can be brought about, sir, that the head executive can be nominated where there would be a minority, although he may be a minority candidate, the choice of the people.

Now, if I may just take one other thing, as to administrative officers, such as take school committees, attorney-generals, State treasurers, anything along that line, purely administrative officers, they should be nominated by convention. The reason for that is that they approach more the business end that should be eliminated from politics entirely or as much as possible; so that they could do their best work, and also the executive law generally controls as in the United States; those are the administrative officers who are below them, not the officers in general — for that reason I think they ought to be nominated by convention; but United States Senators, governors and chief executives like mayors, and wherever the district is homogeneous, for a district that is a city or which has certain part of the territory, they should be nominated by direct vote; that is my idea.

By Senator MEADE:

Q. Then, Senator Harrington, following your argument, you would contend that nominating a man from the convention system removes him from politics? A. No, it would help to.

Q. It would help remove him from politics? A. It would help remove him from politics. If, for instance, now our State Treasurer, a man can only be nominated for five years and when he is nominated once, renominated every year and re-elected. And we have other officers that sometimes we nominate — take our school committee, for instance — our school committee are nominated by both parties, and sometimes serve twenty years.

Q. Then if you seek to remove a man from the influence of politics as a public official, you would advocate nominating him by the convention system? A. If he is an administrative officer. If he is an executive officer, an executive officer like the Governor —

Q. The general principle is that nominating a man by convention for public office removes him from politics? A. Tends to, yes. I don't think he should be entirely. I am one of those who believe in electing judges even though we have appointed judges in Massachusetts. I do not think they should be removed entirely.

Q. Is there anything more? If not we will excuse Mr. Harrington with the thanks of the Committee for your information.

By Assemblyman PHILLIPS: Well, just one — I want to ask the Senator a question. Now you say that you think that governors or chief executives of the State should be nominated by the direct primary plan?

Q. Well, wouldn't that same objection apply in the case of a governor which you gave us a few moments ago in reference to the large centers of population domineering the rural districts so that a governor would always come from the large centers of population? A. Well, does this —

Q. If you have the direct primary? A. I think not — it depends — for instance here in Massachusetts. Boston is the largest city of course, by far, casts a tremendous Democratic majority and yet we cannot elect a governor on election day.

Q. No — A. And we merely — well, just a moment on the point you make about the convention, if you please, it is the same with the State, that where the whole State is concerned, Springfield and its interests in the western part of the State are not the same as Boston; they were yoked up with Boston and they are both cities. Worcester, which lies in the center of the State with a surrounding metropolitan district, that would not line up with Boston or with Springfield, because its interests are different. For instance, take the city of New York.

Q. Yes, but they would have to concentrate their forces, the Worcester people and the Springfield people and the other large cities would have to concentrate their forces on one man in order to overcome the large vote in the city of Boston, would they not? A. No, because they have a larger population. You take the State

of Massachusetts, it has about three million; it has, I think, three million; it has two million and a half to three million; within that district, you deduct two million out of that and then you will have out of that the metropolitan district; their interests are different; the same way in New York; you take down around New York, Greater New York, that has entirely different interests from your ones up the State, or the lake cities. They wouldn't get together because they are not contiguous and homogeneous. That is just my point. My point, of course in regard to the Governor, is, of course — the fact is that stealing by this minority convention such as went through last year when Mr. Frothingham was nominated — that is the trouble with the chief executive, he don't represent the majority of the State — that it can happen that it — and it has very often happened that way through the delegate system that he does not have a majority of the votes, or in other words he is the choice of the minority of the people of his State. It cannot happen if you have the direct vote.

Senator MEADE: Thank you very much, Mr. Harrington. Judge Knapp, anything further?

Judge KNAPP: If your honors please, I have requested the secretary of the executive committee of the Republican State Committee to furnish us with some records, which I find in the office — the percentage of registered voters which voted at the election in 1907 and 1908. It may be of some assistance to the Committee and certainly is non-partisan entirely; it is surely showing the vote and computation has been made by Mr. Groves and he has transmitted it to the Committee.

Senator MEADE: It will be received and filed.

Chairman KNAPP: That will be marked what — with the letter of transmission? (11.)

Judge KNAPP: I have also received from the office of the Secretary of State, or Secretary of the Commonwealth, samples of the official ballots that were used in the first instance; I think they will also be interesting, and perhaps instructive, as they cover elections as well as primaries, and I ask that those be received as part of our file.

Senator MEADE: All right.

Judge KNAPP: And also from the office of the commissioners of elections in the city the official ballot used by the city.

Assemblyman PHILLIPS: Are there any samples?

Judge KNAPP: Yes; I have those here. I am going to bring those. I want to take them up in order, that's all; simply have them filed here. (12.)

Judge KNAPP: Official ballot of the city of Boston. (13.)

And also the blanks used for the nomination of candidates, which are to be filed simply with these. (14.)

Senator MEADE: Have you arranged for enough of those for each member of the Committee, Judge Knapp?

Judge KNAPP: No, I have not; I have only a sample of each here. We are to go down to the commissioner's office to-day at 3:30, if it is convenient to the Committee, and he can furnish us, perhaps, with enough.

Assemblyman HOWARD: The afternoon will be taken up with the examination of the records in the election commissioner's office, as I understand.

Judge KNAPP: Yes, at 3:30. I also present the official ballot for the primary of the Independence League party and the Republican party and the Democratic party, used in 1908. Those are attached together and can be made one exhibit. (15.)

Judge KNAPP: And this is the official ballot — I should have said on the one you just marked, Mr. Stenographer. I think there Exhibit 15 is the State primary held September 22, 1908.

Also the State primary ballots held November 19, 1908. (16.)

A pamphlet of special instructions to precinct clerks, 1908, by the commissioner of elections also. (17.)

Pamphlet of special instructions to election officers in Boston issued in 1908. (18.)

Another of instructions to assistant registrars in Boston in 1907, prepared by the election commissioners. (19.)

Also the special report of the election commissioners as to location of polling places in 1908. (20.)

The official ballots of the board of election commissioners, giving the list of election officers of 1908. (21.)

I have also the apportionment of delegates to the Republican convention of Massachusetts for the year 1909. I do not know

that it is of any especial value, but we will have it in the record. (22.)

Also copies of the Journal of the House in the session of 1909 (23), showing the disposition of bills upon this subject.

Judge KNAPP: Mr. Gay has been an attendant on this hearing all during the sessions, I think, and he has an explanation which he would like to make to the Committee, with your permission. He is the compiler of election laws.

Mr. GAY:

By Judge KNAPP:

Q. Mr. Gay, have you any official position? A. No, sir. I have been secretary of the Massachusetts State Election Law Association and have had a great deal to do with these laws and preparing and presenting them to the Legislature, and especially the original so-called Boston law, and I have had considerable experience in caucuses and political committees, and I think I am pretty familiar with the conditions here in Boston.

Q. Have you also compiled the election laws from year to year, the substance of them? A. I have.

Q. In the small book which we used here? A. Yes, I have kept account of the laws very thoroughly.

Q. This is the book which you have here (indicating)? A. Yes.

Q. Now go on and state — you said there were some misapprehensions, I think, or mistakes which you thought the Committee — A. Well, I thought —

Q. Would receive and I will now — we do not care to go into the system at this time, because we have been into it. A. I do not intend to go into that, but it seemed to me as I listened this morning, that the Committee had not got a correct idea of the direct nomination system in Massachusetts. In Boston it has been stated we elect our representatives and council by direct vote. They have for nearly fifty years, always been the system, because they are districts where we know the voters in the ward and elect directly; that was done long before the idea or thought of direct nominations came in, and that is the system that under no consideration could be changed.

By Assemblyman CONKLIN:

Q. What do you mean, that they meet and elect men directly or that they nominate? A. I mean that they nominate; if I used the word "election" I made a mistake.

Q. They nominate? A. They nominate the representative and the common councilor in half the years and that is something that no one would think of changing except possibly as they might change the charter in this year. Those districts in the State of Massachusetts wherein direct nominations occur are districts in which, I believe, you will find the popular opinion is such that they would not think of changing; for instance, the Suffolk district; since they have adopted it in Suffolk no one has ever broached the subject of changing direct nominations in that district, and they have gradually followed in the congressional and councilor, and I have not heard of any objection being made to that. It has been asked why we do not nominate county officers. It is because — on account of politics; there has been indifference and division of those candidates themselves between the different parties that they could do it by committees conferring back and forth, whereas they could not do it by direct vote; the direct vote would make a strong party nomination on either side and prevent anything of that kind. So in the school committee, we have two parties; there is a public school association, and the women are interested in this matter. If you make a direct nomination for that office then you eliminate all those opportunities to get together. And eliminating all idea of that — the convention succeeded in the school board and everybody is satisfied with it. Now the matter has been stated that we have three different caucuses for political parties and one for non-political. The old-fashioned caucus was general and then it became regulated by the Boston caucus and then it became still further regulated by this primary election law; but that has nothing to do with direct nominations. In the matter of the mayor there is a good deal of discussion as to the best method; that he could be nominated directly, and the objection that has been raised to that is this — it is quite a serious objection; you are obliged to select your candidates in advance, and put him on nomination papers. There is no chance to consider any other candidate except the one that goes to that convention;

whereas in a convention later on it may be better to consider the matter of nominating some other man. And for that reason, that is the same reason why in this finance report I think the objection was made — and I say it without any fear of contradiction — that in the direct nomination districts to-day as they are universally termed — well now when get to the aldermen —

By Judge KNAPP:

Q. Well, Mr. Gay, you stated to me that you thought the Committee were going away with statements as to the conditions. Now can you inform me — A. My idea was this, that I thought you had a theory that there was a question as to whether the direct nominations as now held in Massachusetts were acceptable or popular.

Q. We have no feelings on the subject at all. A. No feeling; no, sir.

Q. We want to get at the facts? A. I did not call it a feeling at all, but I saw you were getting the impression in some way gained, that direct nominations in these districts were not popular. Aside from the mayor, I am very sure the public sentiment is in favor of them. Now in the matter of the aldermen, we have had a very peculiar experience; we have elected men — nominated men — by convention that have proved very unsatisfactory; we have nominated men by direct vote and it has proved very unsatisfactory. So that no argument can be based either one way or the other. But the system which we have adopted is different entirely from any; that is, nominating in districts and electing at large and voting for only a certain number. We have thirteen nominated and eight only at large —

Q. Just upon that point for a moment; this new charter, which affects Boston, did you say reduces the number? A. The highest —

Q. Of this body or department of the city government from two to one; is that correct? A. It proposes two plans.

Q. No, I do not ask for the referendum at all, but I mean as to the administration of the city government there were two departments, like the House and the Senate? A. Yes.

Q. That is reduced isn't it? A. I understand what you mean.

Q. The number of representatives, the councilors (is that what they are called), are reduced from eight to nine, is that correct?

A. By one plan nine and in the other twenty-six. There are different lots of them you understand, don't you?

Q. Well, I am misinformed then? A. There are two plans.

Q. One nine and the other thirty-six? A. One nine elected in a certain way and elected, I think, with the elimination of the party names from the ballot.

Q. That is the new feature of this House, is it not? A. That is the new feature.

Q. And also the finance commission is a new feature of the charter? A. Yes, the commission has been to reform the methods of election.

Q. We understand that. Plan 1 and 2. We have a copy of it. That was all.

The WITNESS: Now, some stress is laid upon the fact that the question has been asked whether we are getting better candidates under the direct nomination, better legislative candidates. Well, it seems to me that has nothing whatever to do with it; you have had that system, had it for years. And the calibre of the representatives depends wholly upon the voter's choice. They get just what they call for. Now as to the matter of candidates, if there is any lack of honesty in many of them it is because the voters have failed to exercise the opportunity which they had.

Q. Do you think it makes any difference any way whether it is a convention or direct nomination system as to the matter of the candidates? A. No.

Q. It may be good or bad under either system? A. Precisely, according to the interest the people have in them.

By Senator MEADE:

Q. What do you know about expense, if anything, Mr. Gay?

A. Well, you've had that answered fully here.

Q. Do you disagree with those ahead of you on that point?

A. No; I think Mr. Garcelon made it very clear.

Q. Do you think Mr. Harrington was as near right? A. I don't know as I would.

Q. He said it cost about three times as much under the present

system as under the old? A. Well, what does he call the present system?

Senator MEADE: The direct nomination system against the convention system; he has given both systems.

Mr. HARRINGTON: Senator —

The WITNESS: I don't think it makes any difference about that.

By Senator MEADE:

Q. You don't think it would? A. No, I don't believe this system of nomination makes any difference with the expense. I think in a Senatorial district in Boston you get better results by direct nomination than you did by the other system, because after they got the delegates although the party elected they never knew whether to appeal to them or not. I don't think it makes any difference in regard to a candidate whether he is nominated under one system or the other. Of course, in caucuses — I mean in our caucuses — we nominate and in convention we nominate directly under all other systems.

By Senator MEADE:

Q. Now, Mr. Gay, did you hear the hypothetical question in relation to a district that I put to Mr. Harrington? A. Yes.

Q. In relation to a city district and country district containing a number of towns? A. Yes.

Q. What is your judgment on that? A. I think it is exceedingly doubtful whether it would work or not. The argument has been brought forward against that precisely as Mr. Harrington has said, that the larger town or city having the larger delegation would overwhelm the small one if they choose to keep in with the parties on the other side — they would have arrangements for years by which they alternate from town to city.

Q. Then you concur in what Mr. Harrington said on that point? A. I do. I want to just say this, I believe that the proper solution of this whole question — I do not believe that you can make one universal law to apply to the whole city. I believe that if you make a law which shall leave it to the community, the district itself, to decide the question, that you will come nearer to

doing the best thing than you will the other; I believe each community knows better its own condition than any Legislature can tell.

Q. Now, Mr. Harrington said in that community you would have to decide the forms they should use? A. That might be. I would have each party decide and all the voters; I would not leave that to have the district say that the nomination should be made by both parties. I think the party has some rights. And they have the right to say how they want to make the nomination. And I would leave it to the party. Take your own district, I would leave it to the party of which you are a member to decide whether in that district they would nominate the Senator by a convention, or direct vote; I would not have the opposite party come in and dictate to you and say —

By Judge KNAPP:

Q. Then from that I understand that you think the question asked by Senator Meade is that one party might nominate by direct vote of the electors and the other party by the convention system in the same district? A. I do.

Q. You simply think that the proper thing is not to make that a question of politics but a question of party management, merely? A. The party interested, the party who could pass on how they want them nominated; I would not advise them. It might be that when a party was the majority party it might think it a very nice thing, or the minority party, to entail it on the other side.

Q. I wanted to refer to this question in reference to the same thing. Mr. Luce says in his letter which he has there (indicating) that the convention system operates to make candidates alternate coming from different parts of the district, the turn and turn about system, which is on now, is bad for legislation because it eliminates the man of experience who might be there for years and years, perhaps from a particular district; what do you say as to that? A. Well, I say that Mr. Luce is a very estimable gentleman, but I do not agree with him in many of his theories —

Q. Well, in that respect? A. That is the convention.

Q. You think the party system is a better system which might possibly take a man from the same locality for a number of years

in succession, giving him valuable experience as a legislator? A. I would not lay down any special rule. It would depend entirely upon circumstances. I think if you have a valuable man from one section — I do not believe in universal direct nomination; I do not believe in it for State officers; I do not believe that you can apply it universally.

Judge KNAPP: Is there anything further? A. I wanted to make the expression — each district I think is better; better take each district by itself.

Senator MEADE: We are certainly under great obligations to you for your explanation.

THORNDYKE SPAULDING, of Cambridge:

By Judge KNAPP:

Q. Mr. Spaulding, you are a graduate of Harvard College and Harvard Law School and represent the Harvard University district? A. Yes, sir.

Senator MEADE: You know, Judge, we have an appointment very soon. I do not limit Mr. Spaulding, but be as rapid as possible.

Judge KNAPP: Yes.

Q. What is your profession? A. Counselor and attorney at law.

Q. You have no political position? A. I am a member of the Massachusetts Senate and have been for two years.

Q. Elected in the Cambridge district? A. Yes. A part of which is Cambridge.

Q. And your politics are what? A. Republican.

Q. Now, Mr. Spaulding, we have had a good many witnesses here who have given us statements as to the workings of this so-called direct nomination system in Boston and vicinity, and in the State of Massachusetts at large and also as to the working of the so-called primary or joint caucus system in the city of Boston and those towns that have adopted it; and if you can speak to the Committee generally, perhaps, on the question of your observation as to the working of this system in your locality we will be pleased to hear you? A. Well, I will make it just as brief as possible. I may say, Mr. Chairman and gentlemen, that I have had some

chance to observe the political situation in the Commonwealth. I have been a member of my Cambridge city committee something upwards of fifteen years and been secretary and chairman of the committee and I have also been secretary and assistant secretary of the Republican State Committee for some years; that was back eight or ten years ago. And as I have already stated I am a member of the Massachusetts Senate and was a member of the Committee on Election Laws at the last session; although most of my work is done in this room (indicating), I being chairman of the Committee on Judiciary, and so I did not give much time to the election laws, although I knew what was going on. I read on the train yesterday coming from another State a very, very excellent statement by Mr. Garcelon (sometimes known as "Billy" up there) and he covers very carefully very much of what I might say — simply this: I believe the great difficulty to-day in modern politics is to interest the educated, public spirited man in political affairs. I believe the result has been where direct nominations have been tried is to diminish the interest of these men rather than to increase it. I believe that you have a system at least to get the interest of themselves and their friends — you get those men interested in things political; they go to conventions, they touch elbows with other men from other wards, other cities or other districts, and they are much better acquainted and much better qualified with things politically in their vicinity and in the State as a whole. That is one reason why I am opposed to direct nominations. Where it has been tried in Massachusetts I believe it has been a distinct failure. I suppose the only reason for it is to try to increase the quality of the men sent to the different offices, the different legislative bodies. I do not believe in men — men say that there has been no increase in the intelligence, the honesty, the public spiritedness of the citizens who have been elected under the direct nominations system, going to the last Legislature and your local legislative bodies or to the State officers. I believe no better men are sent to-day than were sent under the old system and I believe no better men are sent from direct nominations districts than are sent by those that come from delegate districts.

I might say in Cambridge an effort was made, I think six years

ago — I won't be sure of my figures — a few years ago, to include the Cambridge district in the Worcester-Somerville and Springfield districts which elected by the direct nominations systems. And it was the almost universal opinion among both parties there that they did not wish to be represented, did not wish to be included in the bill which put them into a direct primary district, and it was struck out in the House. And I was nominated in a convention as my predecessors have been and I hope my successors will be. I have heard no criticism in the city on either side, I think, as to the honesty of the citizens, of the men who have been chosen by petition to the House and to the Senate. Now, if you can give me any questions I would be very glad to —

By Assemblyman PHILLIPS:

Q. I would like to ask you this, Senator: whether in your observation the direct primary plan — or in the districts where the direct primary plan is in vogue — there is a larger participation in the primaries by the voters than in those places where you have a delegate system? A. I don't think you can —

Q. I mean voluntary participation? A. I don't think you can say yes or no to that question; it depends entirely on the district.

By Senator MEADE:

Q. And the work done in it? A. Decidedly so. I think where you have a direct nomination system the man with a large sum of money or with a very easy working mouth and brains — or lack of the brain — he can go in and make a great headway oftentimes where in a district that is represented by men in convention, there are some, that some consideration is given in the deliberative body as to nominations in there. I think that has been proved here in Massachusetts.

Senator MEADE: Anything further?

By Assemblyman CONKLIN:

Q. Do you think that the man elected who receives the nomination by direct vote of the members of the committee would be any more independent in his voting in the body to which he was a representative—would be apt to follow his conscience more directly

than he would the orders of a political leader, if he knew that when he went back he would not have to depend on the leader, but upon the people for renomination? A. I do not, and I think you make a mistake in the phraseology used in this — he does not necessarily depend on the leaders; the leaders only get their power from the people and the more people you get interested in what the man gets — the more people you go through to get a nomination to vote on him and that is delegates, I think the better off you are; I think you get a more general participation in things political in the district where you have the delegates and the delegate system. I might say here, Mr. Chairman, that I have been under both systems for a number of years in my local city government where I was elected by the primary vote of the ward, nominated by the primary vote of the ward. I don't think I am controlled by anybody any more to-day than I was in those days.

Q. Well, they tried to throw him down because he refused to obey orders; wouldn't he have a better chance under the direct system of combatting the power of his enemies? A. No, sir. If you tried to turn me down under the system we have, all you've got to do is to appeal to the people, to them as well as to the delegates, because they will have to go to these delegates, if the list of delegates says these men are obliged to vote for A. and B. they will vote for A. and B.; they will make a list of delegates just as quickly as vote for A. and B.

By Assemblyman HOWARD:

Q. You don't think then, Senator, that they lose sight of the candidate and vote because of some particular friendliness for an individual delegate? A. No, no. But I think that, of course, it may happen. I believe instances; a man says that he will never vote for A. for any office, and he may secure the nomination; once in a while we have had nominations where men denounced happened to throw a convention to get their nomination — some little personal spite; that might happen; I don't think it makes a difference to one more than to any other.

By Senator MEADE:

Q. Would you think that that action would change the result in any way? A. Oh, no, unless it was very close, possibly two or

three times. It is no more apt to happen than it is that they might get a vote or two on account of friendship of some delegate. But I don't think you can fool the voters into believing that they are not getting at the candidate on the list of delegates.

Senator MEADE: We are very thankful to you.

Mr. SPAULDING: I am very glad if I can give you any assistance.

Judge KNAPP: We are obliged to you.

Senator MEADE: We stand adjourned to meet with the election commissioners.

Judge KNAPP: I have a witness, but if he does not come I think there will be something from the — just an explanation from the Commissioner of Election that I want to get a little later in the afternoon; that is all.

Senator MEADE: We stand adjourned until 3:30 this afternoon at the Commissioner of Election's office.

MASSACHUSETTS CLUB.

AFTERNOON SESSION.

Wednesday, July 14, 1909.

Mr. GARCELON: I want to say in behalf of the Massachusetts Club to the guests of the Committee that this club has very few formal meetings. It has a great many informal ones. Members come in in the middle of the week at 1 o'clock for luncheon and go out when they please; so that the members and the guests will understand that if some of the members run away at half-past 2 or 3 o'clock or at any time, that it is the custom of the club — that these are purely informal meetings for the discussion of political questions.

We are very glad indeed to have the privilege of entertaining the members of the New York Legislature in an informal way and to have some of our citizens of Massachusetts to know them and to become better acquainted with them.

I do not propose to make any extended remarks myself, for which I expect applause. (Laughter.) But I know that those

who are present who have not been in attendance upon the meetings of the Committee will be very glad, indeed, to hear a few words from two chairmen of the Committee, the chairman on the part of the Senate and the chairman on the part of the Assembly of the State of New York.

I take pleasure in introducing Senator Meade, chairman of the Direct Primary Committee of the New York Legislature.

Senator MEADE: *Mr. Garcelon and members of the Massachusetts Club.*—It was expressly stipulated when this Committee accepted the invitation to be your guests to-day that there should be no speechmaking on the part of any member of the Committee, and especially that we should not be asked to say anything on the question for which we are in this city. We do not feel that it would be proper for us, acting as judges on this question, to discuss the merits or demerits of the primary system, either pro or con. Therefore I shall not take any of your time in that sort of a discussion.

I simply was told by your chairman that he wanted me to stand up so that you all could look at me. In other words, I am up here for inspection. (Laughter.)

I want to say that for myself and that I know I speak with deep gratitude of every member of this Committee in saying that our treatment in Boston has been wonderfully cordial, and the men we have met, both officially and as citizens of Boston, have done everything in their power to make our visit in your city both pleasant and profitable.

We are charged from various sources of being on a junketing trip. I hope that the work of the Committee here in Boston and in other sections of the country will speak more loudly than anything I may say as to whether or not our Committee is on a junketing trip or on a trip of purpose that will accomplish something that will enlighten and be of service to the citizens of our State when we return and make our report to the Legislature next February.

I want to thank the members of this club for this delightful entertainment and the expressions of good will and good fellowship that have come to our ears on every side as we have gone about your streets and amongst your public buildings.

I thank you, gentlemen, for your reception.

Mr. GARCELON: I neglected to say for the information of the Senator and for the information of the other members of the Committee from New York that the Massachusetts Club is a very old Republican club, it taking the name of Massachusetts Club in 1872. Before then, and many years previous, it met under the name of the Bird Club.

Charles Sumner and Senator Henry Wilson and many equally prominent Republicans of years gone by, way back to 1858 — nearly '46 (I am corrected by Mr. Doherty, who knows the history of the club better than anybody else) (Laughter), have sat around the board of the Massachusetts Club or its predecessor.

The club has a great history behind it as a political club. It is now a Republican Club. It is, we believe, to have a great history in the future.

We believe that the Massachusetts Club has a real mission. It is going into political questions, going to study them and its members are going to be thoroughly posted on all the questions of the day; and in order to be thoroughly posted we must occasionally admit and listen to our friends, the Democrats, and men whose ideas on public service and public questions and on government differ very much from ours.

The next gentleman whom I am to introduce is the chairman on the part of the Assembly of New York on the Direct Primary Committee. He is chairman also of the judiciary committee. He has served nine years in the Assembly. When he told me that I looked at him and told him, or I did not tell him, but I thought very strongly, that they keep their men very young in the western part of New York.

I take a great deal of pleasure in introducing Representative Phillips of Allegany county. (Applause.)

Assemblyman PHILLIPS: *Mr. Garcelon and members of the Club.*—With my friend and colleague, Senator Meade, I supposed that it was expressly stipulated when we accepted the invitation of your Club that we were simply to listen and not to do any talking.

And, of course, you do not expect us to discuss at all the subject for which we have been sent to your State to study, and to learn of the practices and the manner in which you conduct your primary elections in the State of Massachusetts.

I want to say that the Committee considers it a great honor to be the guests of this club, the Massachusetts Club, which evidently has had considerable to do with political questions in the last forty or fifty years. Although a partisan club I see that they have liberal views and as has been stated by your chairman, you extend the privileges to the men of the opposite political faith and mingle together to discuss the problems and questions of the day. There is nothing more wholesome, I think, than people of all parties, no matter what may be their political faith, to gather together in these little informal gatherings or formal gatherings and discuss the questions of government and of the problems which confront us, fairly and squarely, because I assume that no matter what political faith we may have, whether we are Republicans or Democrats, I believe that the majority of the people, who are interested in politics are men who are sincerely striving and endeavoring to better the conditions of government. I believe that they all, and in their own way and according to their own belief, are striving to do the very best they can. And, of course, there are differences.

The members of the Committee, I am sure, are extremely grateful to the members of your club and to the members of the Legislature and other people of the Commonwealth who have voluntarily given us the information regarding the subject of direct primaries which, of course, we are very anxious to learn and to learn all that we can about them because that is one of the important questions which is before our State Legislature at the present time and will be one of the all important subjects which will be considered at the next session of the Legislature.

We have a good many times visited Massachusetts. I think that our special joint committee on highways came to Massachusetts and learned from your Highway Commission and of your good roads system, and it may be said to the credit of your system and your Highway Commission that our new Highway Law which went into effect on the first day of last January is largely a pattern of the Massachusetts statute.

And so, in times past, we have always been glad to learn and follow in certain ways the legislation of this great old State, because it is a great State.

I am especially interested — this is my first visit to Boston —

and as I go about your city here and visit these old historic places (and by the way, I have been accused by my fellow members of the Committee that I have spent most of my time when I have not been attending hearings of the Committee, in visiting the cemeteries and looking up those who are dead and buried having the old ancestral name of Phillips). (Laughter.) I find that there are a great many of that name in the city of Boston, now and for years past — and I remarked to my friend and colleague Senator Meade that I did not observe in visiting the various cemeteries the name of Meade. “Well,” he said, “the Meades are all live ones and not dead ones.”

But, sincerely, we think a great deal of the people of Massachusetts. We admire her statesmanship and the men she has contributed to this country of ours for years past. And we are glad to-day to learn somewhat of the system which you have in vogue here with reference to nominating candidates for public office. And while we will not promise, of course, to copy or pattern after you in any particular, still we are willing to learn. I am frank to admit that we have never thought very much over in New York State about your Massachusetts ballot, which we occasionally hear about; we have never thought very well of that, and yet that may be a good thing.

I want to thank you all, and to thank you on behalf of the Committee, and especially the Assembly side of the Committee, for this privilege you have given us to be your guests to-day. (Applause.)

Mr. GARCELON: It is not surprising that New Yorkers have not thought well of our Massachusetts ballot, because in Massachusetts we have an educational qualification and in New York they do not. (Laughter.) I presume the Massachusetts ballot would not go very well in New York. (Laughter.)

I know that we cannot — that we have not the time to-day to listen to an extremely exhaustive discussion of the direct primary laws. I know that the members of the Committee from New York have heard a great many men at the State House upon this proposition. They have heard all about it — not all about it, because that is impossible in one week to hear all about our election laws and our methods of election, and it is quite a question, I assure

you gentlemen that a man cannot clearly understand, even if he studies it for ten years. But we cannot go into an exhaustive discussion of it to-day. There are, however, three or four men here, upon whom I am going to call to say a few words about the workings of the Primary Law in Boston and elsewhere. Two of them call themselves Democrats. I have known at the State House, and I have said as many times, that there are a great many men up there who call themselves Democrats who are really Republicans; they are Democrats only in name; by sentiment and almost every other feeling that they have they are really Republicans. I do not accuse these two Democrats here to-day of being Republicans — that is, in a public place. (Laughter.)

We have heard a good deal about the direct nomination law and we have discussed the direct nomination law here in Massachusetts, and we all know how many men have gone forth before the voters of their district and said, "We are for the direct nominations law and we want the people to have a chance and we want to break down the machine and overcome the bosses, and all that sort of thing; and when we heard about the very able Governor of New York and his plan for a direct nomination bill, and when we see the papers filled with stories about the fight of Governor Hughes against the New York bosses, why we — a great many of us sympathized with him and said we hoped he would win. Now, I have been asking some questions about the direct nomination bill that Governor Hughes is advocating; and I think it will surprise some of you, if you have not heard about it, as it surprised me, and I would like to know what kind of a direct nomination bill that is being advocated by Governor Hughes of New York is.

Now, as I understand it — if I am wrong, these gentlemen from New York will correct me — it is this: The people will vote directly for the members of the State committee — let us take, for instance, the Republican party. The Republicans will vote directly for the members of the Republican State committee. That State committee, under that bill, the Hinman-Green bill, as I understand it, will meet and nominate a candidate for Governor and the candidates for all the other State offices; and those men who are nominated by that State committee will have a preferential place upon the ballot. If anybody outside wants to get a name on the

ballot he may get it on by getting a big petition and having the name go below the names of the regular political party. Is that right?

Assemblyman PHILLIPS: Well, for 1,000 signers.

Mr. GARCELON: For every 1,000 signers can have another name put on? And, as I understand the situation, the State committee would be elected by the Republican caucus in October or November, about the 1st of September a State committee would be elected by a Republican caucus — about the 1st of September, let us say of 1909, and that committee would not nominate a candidate for Governor until a year afterward. That is to say, if we elected under the Hinman-Green bill which is advocated by, as I understand it, Governor Hughes, a Republican State committee here in Massachusetts this next Fall, that Republican State committee elected next Fall would nominate our candidate for Governor in 1911. That is it would nominate him in the Fall; nominate the candidate in the Fall of 1910, and that man would be the Republican candidate for Governor for the year 1911. That is what they call the direct nomination bill in New York. (Laughter.) May be it is. But I would like to ask the gentlemen here — I want to ask those present because I think I know what they would say — what we would say to the Republican committee if it or the Democratic State committee, if presented any such beautiful scheme as that here in Massachusetts. (Laughter.) I think we would probably say a few things about them in the newspapers.

I, for one, would rather be opposed to it, not because I should call it a direct nomination bill, but because I should say that it put the power too far away from the people and too much in the hands of the political committee.

Now I do not propose to try to explain that bill because it seemed — it is a surprise to me when I heard about it, and we are not discussing that. As I understand, we were to discuss briefly to-day the question of direct primary, as it has operated in Massachusetts. It has operated in Boston, as we know; some claim with success, and others claim without success. It has been known in other cities of the State but there is a great difference of opinion as to whether the direct primary law, that is, the voting directly

for the candidates by the people themselves in large and in small districts, is a wise and good plan or not. Whether or not it brings good results remains to be seen.

Now there is here to-day a man — I will call him a young man because he is a good deal younger than I am — who has been in politics for a long time, who has been a member of the House of Representatives where he has been a member of the judiciary committee, one of the — perhaps the highest one that is offered to a Democrat in the appointing of committees in the House, and a man who was on the floor frequently fighting as he believed for the best things and frequently fighting his opponents in the Republican party. He talked to the committee the other day and told them some things. I, perhaps, do not agree with all that he says but I know that he was frank and sincere in what he did say. And I am glad to call on ex-Representative William F. Murray, of Charlestown, who will speak for about five minutes to you. (Applause.)

MR. WILLIAM F. MURRAY:

Mr. Chairman and Gentlemen.— I went up to the State House a firm believer in the system of direct nomination as distinguished from convention nominations as we in Massachusetts understand it. I came back from the State House after having listened some time to Mr. Sullivan, the chairman of the Finance Commission, and to Mr. Garcelon and others who opposed the system of direct nomination, still a believer in the system of direct nomination. I know absolutely nothing, sir, about the New York situation, except what I have been able to learn here to-day. I have not had any opportunity to find out from any member of the Committee just what Governor Hughes's bill is. I know nothing whatever of the situation in New York; in fact, I know nothing of the situation except as I have observed it during the past ten years of political activity in the city of Boston. I believe that in the city of Boston the system of direct nomination as we have it here is much better than the system of convention nomination. I notice that Chairman Sullivan of the Finance Commission said that when he was a member of the Senate he believed in a system of direct nomination, but that he to-day is in favor of the con-

vention system. I can understand, I believe, the reason for the change of Mr. Sullivan's attitude. He was a member of the Senate in the years 1901 and 1902, as I remember it. Those were the days when we had just had many exciting conventions, Congressional conventions, Councilor conventions and conventions of one sort and another where nominations had been made after most disgusting proceedings, and the better men of the community at that time were just as much outweighed with the convention system as they seemed to be to-day, sir, with the system of direct nominations after it has had a short trial in the State.

I have no doubt that to many of you it may occur that the reason for the change is because the direct system has had its day; they have had an opportunity to observe its workings and they believe it is a failure.

I may be pardoned, I know, if I suggest that there are sure to be mistakes under any system of nomination. The convention admittedly had its mistakes. I know that I need only say to Mr. Sullivan if he were here, "How did you feel in Springfield in 1906 or 1907, after the convention which had nominated or attempted to nominate the Democratic candidate for Governor." I know, sir, what the feelings of Mr. Sullivan were, because I was up all night with him and with other party leaders fighting by his side against the terrible things that were done there. I know that if that night or immediately thereafter Chairman Sullivan had been asked, "What do you believe as to the relative merits of the convention nominations or direct nominations," he would have said, "Any system is so infinitely better than this system which we have had put to the test here to-day that I am against convention nominations." I know that was his attitude at that time and I believe that if he had the Springfield convention as clearly in his mind now as he had at that time he would not have had a change of heart.

I desire to say at this time that I do not suppose with the suggestion that Mr. Sullivan is a disappointed politician and because of any disappointment he has changed his attitude. I have absolutely no sympathy with any such suggestion; and I hope that you men from New York will leave Boston with the idea that the young active members of the Democratic party who have

had some small share of responsibilities of leadership do not sympathize with that view.

And that thought leads me to a repetition of what I said at the State House, that I believe that the type of men in public life in Boston in Democratic politics to-day is better than it was ten years ago. I have seen that Mr. Sullivan in the morning papers says that he does not agree with that conclusion, but I need only call to the attention of Mr. Garcelon and Mr. Bishop and the other men who were in the House of this year or last year to the fact that we have there Donovan of Charlestown, who succeeded me on the judiciary committee, Callahan of the South End, Brinkley of the South End, O'Connor of South Boston, men of that type to-day, who have absolutely no fear how thorough-going investigation may be made by any district attorney, be he Republican or Democrat, and I insist in this presence that the type is just a little bit better than it was ten years ago when Representative Ready was there. When he is come back and we have rejuvenated him — and we are rejuvenating all of the old guard with whom we come in contact. (Laughter.)

Mr. Chairman, in the last analysis, I believe that this direct nomination question resolved itself into the question whether or not you are going to hold fast to the original American idea of trusting the people.

Just a quotation, an extract I have brought back with me (producing book), from the oration of Wendell Phillips at Cambridge in 1881. I know it would not be proper for me because of my activity in Democratic politics in this presence to insist that we should trust the people. If you sympathize with me you might say, "He is young; he is a dreamer." If you do not sympathize with me, you might charge it up to my political activity. For that reason, sir, I shall not present any original thoughts on the question of whether or not it is wise to trust the people.

I will only refer the members of the Committee and the members of this club to that splendid oration in 1881 under the auspices of Cambridge that I have told you of. There was sounded the keynote of the original Democracy. There was outlined the duty of scholarship with respect to public questions. I believe it is safe to trust the people in the city of Boston, and when I say

that I am mindful of the fact that in a population of more than 600,000 in the city of Boston to-day we have less than 100,000 who are native born or of native born parents.

At the same time we have many persons realizing the great problem that we have in Boston; it is wise for them to realize that Boston, the cradle of liberty and the home of American independence, is to be a great cosmopolitan city; and those of us who have engaged in the rough and tumble of Democratic primaries, who have gone down the line in active contest, know that to-day it is a great cosmopolitan center with men attracted from all portions of the world by the beacon light of liberty, individual liberty and equality under our system of government. And we active young fellows in the Democracy, recognize that we are making the fight along the line of the old ideal. We have not believed it was wise to go outside of party in our fighting. The way they talk about reform. Democrats have eradicated the evils. If you inspect the City Council record of 1904 and 1905 it will be seen that the young men of the type I have outlined were making the fight for the eradication of abuses even in those days, and it was a real fight within the party.

In the last analysis, when I say that either system is bound to have its mistakes, either system is a human system and not a divine system, and man is bound to err whether he is in a primary, in a caucus where he is left to himself, or in a convention where he is subject to the mistakes of some other person than himself.

It is a question in the last analysis whether you are going to allow the people to make your own mistakes or to allow party leaders; some thoroughly understand the pulse beat, the thought of the people in Back Bay; that the people of one section of the city do not understand the conditions that exist in the other section.

If I, from Charlestown, a Democrat, have been able to make clear in even a small degree just how we view the thing, to the members of the Republican Club, I am delighted at the opportunity to have spoken before you. (Applause.)

Mr. GARCELON: Another fighter for the direct system is being introduced. He comes from the city of Newton, the chairman of the judiciary committee of the last and present Legislature, Mr. Bishop. (Applause.)

MR. BISHOP:

Mr. Chairman and Gentlemen.—I think if we had had our regular president here, the invariable rule of the club would not have been broken, the rule that members of the club never speak and the invited guests always do. While I was speaking to the chairman to-day he said only a few moments ago that there were Democrats in the House, Democrats by name who were Republicans at heart. I think I have heard some gentlemen say that there were men in the House who were themselves Republicans who were Democrats at heart (laughter.), so that evens up, so far as my friend Murray is concerned.

I understand that the gentlemen from New York have listened for the greater part of two days to the product of direct nomination system, my colleague from Newton, and what he has said to you I can only echo. I believe most thoroughly in the party system. I believe that it is necessary for the welfare of the Commonwealth and of the country that we should have strong parties, parties which are responsible for principle, although the principle of the two parties are in many respects diametrically opposed.

To have parties you must have party organization. You must have your State central committee; you must have your city committee and then the ward committees. And as I look at the history of the country and the history of Great Britain, it is nearly the same, representative government; that is not government by every single individual unit in the country. It means that the units shall go forth and elect those who shall represent them. To my mind there is just as much logic in the direct nomination scheme as there is in the public opinion bill, so-called, which, carried again to its logical conclusions, would abolish the State legislatures, would abolish the Federal Congress and on petition of a certain number would put a bill before the people themselves for approval and rejection.

It seems to me that any such scheme will lead inevitably to chaos. Taking it in the direct nomination sense, in the spirit with which these various bills are brought forward, it means just this: That it gives an excellent opportunity for an unprincipled body or an erratic candidate to get before the people on any

sort of platform, confusing the real issues which should be before the people.

Two instances, while my friend Murray has been speaking, came to me. One was in the campaign four years ago, I think two years ago, when our present Lieutenant-Governor, Louis Frothingham was the Republican candidate, and Fitzgerald was the Democratic candidate. The issue should have been fought out by those two men, no matter how they were nominated; but a third gentleman, Mr. Dewey, ex-Judge Dewey, butted in. As I look at it, and as I believed at the time, he defeated the real will of the people, which elected Mr. Frothingham, taking away the Republican vote from Mr. Frothingham.

The second instance was when the late Mr. Moran came out practically on independent nomination papers. It seems to me that if you have direct nomination papers, the direct nomination scheme, and you have a Republican candidate and a Democratic candidate, it gives an opportunity, a tenfold opportunity, for any number of disgruntled and perhaps, unprincipled men, who may be bought, if you please, by the opposite party — because such things have been done and they will be done so long as the world endures — to come forward and take away votes from the legitimate and the true candidate. That to my mind is the real evil in the direct nomination scheme.

I thank you, sir. (Applause.)

Mr. GARCELON: One of the real advocates of direct nominations at the State House this year was a Democrat, I believe, a member of the House under the old convention plan and who had become a member of the House from the city of Boston under the direct nominations plan. He had, as he told me when this question came up, put in four or five or six bills, asking that the school committee of Boston be nominated by the direct nomination plan. May be he did not — he was not the author of all those bills, but I gave him credit for them even if he did not put them all in.

But I found him always a mighty good fighter and a mighty good opponent. I did not always like to see him get up and object to some of the things that we were for, or appeal for things that we did not want, because he was tremendously effective in

his speeches on the floor of the House, except the direct nomination matter. (Laughter.)

He, however, is a man who does know politics in the city of Boston, and he knows something of what has happened. I say to you as I say to him, I think he is absolutely and unqualifiedly wrong on his school bill proposition. He may talk to us about that or anything else in connection with the direct nomination bill. Mr. Michael J. Ready, of South Boston.

Mr. READY: No, not the bills.

Mr. GARCELON: Representative Ready. (Applause.)

Mr. READY: I strayed up to the State House yesterday, gentlemen, because I had heard that a committee from the neighboring State of New York was here and I was anxious to see the Committee at its work. When I went there I found Mr. Garcelon telling you all he knew about election laws, and that is a great deal. He was kind enough to ask me to come here to-day and I felt it my duty to come here and meet the legislators from the neighboring Commonwealth, the Empire State, which, indeed, is the Empire State.

And I am glad to find myself in the presence of representative Republicans of Massachusetts, because I think the average Massachusetts man settles his politics in about one day. The rest of the time he goes out and votes to defeat Massachusetts from what she really is, the greatest State in the Union.

There is another thing about election laws — I have never taken any great interest in them — we have, I suppose, a bushel basket of those laws passed in Massachusetts in the last twenty years.

I have long since arrived at the conclusion that if I were interested in an election, I would go and take the election law as it existed and do the best I could.

I think I might help this Committee a little if I told them a few of my experiences; perhaps that would give you some idea as to why I believe in direct nominations. My first actual experience in politics was in 1892. Dr. Lamb, I got to run for the Legislature and I undertook to manage his campaign and we were successful. We went into what was known as the caucus in this city and we had to furnish our own ballots. The people assembled in the ward room and the meeting was called to order at 8 o'clock, and it was under the absolute control of the party.

The chairman of the ward committee stood on a platform and read the call. He announced that the election of a chairman would be in order and promptly recognized a man that it was understood in advance that he would recognize and a chairman was elected and the secretary was then elected in like manner. Each of the candidates would be — there might be one representative upon the roll and the secretary and the chairman would fill the other vacancies. I don't think it was a good system. First of all, the ward leader knew pretty nearly how every man voted who in any way depended on politics for a livelihood. A public employee and relatives of the public employee were expected to vote about as the party really wanted him to vote. Also the party leader could stand at the rail and he had the last chance to say something to every man who went there. Sometimes the voter had to stand from one to four hours in the line, and, therefore, a great many people did not attend the primaries or the caucus. The small tradesmen in the district, anxious to keep out of the turmoil of politics, lest it would injure their business, kept away entirely.

Later on we had some little remedy in the Australian ballot and then a man could get in if he had nerve enough to do as they pleased; and I think some change was perceptible immediately. I think the grip of the so-called ward leader was to some extent less.

Later on we got what we now have, the joint primary system. Our election officers are public officials and they are sworn to the performance of their duty. We hold our primary election the same as we do our regular election. Both parties hold their primary on the same day. At the office of the election board there is a record of whether a man calls himself a Democrat or Republican, or Socialist, or an Independence Leaguer. And when he goes there and gives his name there is a ballot for him to vote.

I find, under that system in Boston, at least, that the man who is prepared to make a fight and go out and face the people and meet them has a fair chance of winning, if he has the right to win; and find that under that system the ward leader, be he a good ward leader or a bad ward leader, does not run the whole show, any more.

Now I take it that the ward leader has the influence which

he always will have. No matter what sort of a system they have there will be some men more influential than others in the community.

I believe in this system for the election of members of the Legislature, because the man who is willing to represent the people, is willing to meet the people whether they are rich or poor.

I had some little experience with conventions. I have some of them in mind. I think the first senatorial convention I remember was a fight in my own district. I was less than 21 years of age, but I had my favorite — we get into politics early in South Boston; and we had a row in the corridor; I think I took part in it, and we broke a gas jet and licked, I think, a policeman (laughter), and my man won. (Laughter.) And that was some consolation for the trouble we had. (Laughter.) However, the winning did not win him the nomination and then ensued another fight. There isn't any doubt, however, that four or five delegates, one way or the other, were taken care of, two or three of them went to work for the city, ever since, and one fellow, it was said, got a little cash for his vote.

Well, a little later on, if I remember, another convention — there was a congressional fight going on, and in order that one man should be nominated for Congress, it was desirable that we should get two, and, if possible, three wards in his own senatorial district. If he didn't get two of them, at least, he couldn't win, and it was desirable to get the third. There were two promises made; and you can't keep two promises when they are in opposite directions (laughter), and both promises were not kept. And when the final settlement of how that promise should be kept was arranged, a person very close to the mayor of Boston, or the ex-mayor of Boston, who appeared before your committee Saturday, Mr. Mathews, was interested in a gas pipe, and the candidate who was successful had been Mr. Mathews here, and a person very near Mr. Mathews directed that he should be nominated at that particular time.

Well, I remember still another convention, I think a bargain was made. I believe one man agreed that he would take one year in the Senate and give some other valuable consideration provided he got a certain vote on election day. He did not get the

vote on election day, and he figured the promise was broken and then there was another row, the next year, and there were some other things done that year that were not quite right.

I can remember still another senatorial convention, in which a candidate came forward and made two promises and he could not keep both promises, but he got through very nicely, and he came along the next year and the ward which I represented delivered the aldermanic delegation to one gentleman and the senatorial delegation to another gentleman, and he was supposed to deliver the aldermanic delegation — was supposed to deliver it — and the alderman was obtained, and the other gentleman said he would like to go to the Senate for the next time — and yours truly got mixed up in it (laughter), and in along about ten minutes, or five, it became necessary to file papers for still another party in order that we might have a congressman in Ward 15, and he did not get the seat in the Senate.

Now, we have the direct system of nomination for senators in the city of Boston. I find that there are no trades attached to that. A decent candidate goes into a hall and tells his story, and he meets as many people as he is able to meet, and he writes some letters if he is able to write, and he does not (as my friend at the end of the table evidently thinks) — he does not do any more. In South Boston last year, in a senatorial convention, I think it cost the young man who won about \$400. And the honorable senator from that district who I feel is a perfectly truthful man, told me that it cost him less than this. I don't believe that there is any single district in Boston this year where any man was called upon to spend any more than about \$500 in the direct system.

Now in one or two Councilor contests — we have them in both parties, we elected in that district a man as one of the Councilors, and I was informed that when he started in this contest he had about eighteen dollars, and he is a wealthy man. We have not very many wealthy men here in the Democratic party. We have made the mistake of driving out everybody who has got over ten dollars. (Laughter.) I have been trying to get a few of them back. (Laughter.) Our Republican friends say that they handle their politics more peacefully than we do, but I cannot say that they handle them any more purely than we do.

Now there was a little contest for Lieutenant-Governor last year. I am not going to discuss it at length. All three of these men, so far as I know, are friends of mine; but I do not believe that the Lieutenant-Governor of this Commonwealth would ever have been nominated by the Republicans of this State if the Republicans of this State who have a right to vote were permitted to pass upon the matter. I am rather inclined to think that Luce might have won that fight. But it was extraordinary that some men who were in the House with Louis Frothingham and did not elect the same man who served in the House, John Corcoran, and then went there and voted in the convention for Frothingham, and they did not vote for their friend Cole. And it was generally understood that a very brilliant and excellent person who was in Washington had more or less to do with the nomination of Frothingham, and I shouldn't be surprised if he were a politician. (Laughter.)

Personally, I think that a man who is able to vote is able to name the man he thinks should be the nominee. I am a great believer in party leadership. I am a Democrat, I hope to be a Democrat, and I have the same power that some of the gentlemen in the other party have.

Occasionally there is a panic. I have never believed in knocking any Massachusetts man, and I am not particularly anxious that Massachusetts money should be spent in Nevada at this particular stage of the game under the circumstances that we have got in the Commonwealth of Massachusetts. I never thought there was any reason why Hill should be condemned by the Democratic party for his attitude. I thought at that time that he was quite right on the income tax and I am beginning to think that the Republican party are sort of veering around in that direction.

My friend Garcelon talks about party responsibility. Now I am perfectly willing to have party responsibility, but I want to know where it begins and where it ends.

I have served on the ward committee and have been a part of the machine, and I have been a member of the Democratic State Committee. I am naturalized and registered, and I am going to continue at it as long as I live, because I rather like it. Whether I am in politics or out of politics I don't think I am a ward

leader that it is my business to see who is going to the Legislature, nor is it my business to see who is going to the Council any more than it is the business of any other man. I regard the ward committee's work as this, that they should see that the men of their party are on the list that they should try to get men to the primaries and to the caucuses and to the polls. I don't, for example, think it is any part of the ward leader's business to go down and tell a judge how he should handle a case before him, and there are some places where ward leaders think that it is a part of their business.

I think it is no part of the ward leader's business to see that the liquor dealer should keep open after hours, and there are some ward leaders who think it is part of their business. I don't think it is any part of a ward leader's business to see whether houses of ill fame are shut up in his district and gamblers, and I am inclined to think that in some parts of the country that is a more or less important part of certain ward leaders' work.

I am willing to agree that the Democratic State Committee and the Republican State Committee have functions. I have a general notion as to what those functions are, but I do not think it any of their business at any time to get hold of members of Legislature and get them on the grill and say, "You do this for Boston, on the one hand, or you do this for the railroad, upon the other." The Republican members of the State Committee did say this year, "You do this for Boston." And the members of the Democratic State Committee this year did undertake to say, that "you should do this for the railroad." I declined to obey the Democratic State Committee. I regret a great many of my Republican colleagues did not have the requisite amount of sense.

Something has been said about the school board. I introduced a plan proposing that the school board of Boston should be elected by the people born and reared in the city. I have attended its schools. I have a child who goes to the public school of Boston and I am interested in them. I do not like the school committee of Boston and its methods, and I do not like the way it is selected. If anybody can tell me that the proper way to select a school committee is something after this fashion, that the ward committee of the Democratic party will go in and name one member of a com-

mittee to select school board nominees; that they will then select separately; and the Republican party will do likewise, and three of them shall meet in the precinct house and a dozen gentlemen shall come up here and state their nominees for the vote of the people, he has got the thing wrong from my standpoint; because the \$40 which it costs, larger than any city in the country to send a boy to the grammar school, is not paid by either of those committees, but by the mass of the people. And some of you gentlemen have no children attending the schools. I would like a direct nomination by the direct vote of the people. And I think my friend Garcelon had better not crow too much. I think he gave me pretty nearly a part of what I wanted in a certain bill. Let me say to him that the people of Boston do not like conventions and they have reasons for not liking them.

In another case a Democrat thought he was rather inclined to go back to the convention system. When he was mayor — he had only lived a few years of his life in this country; was born here to be sure; he had spent his life across the water and had no more notion of what an American city ought to be than that glass on the table. But he managed to get the Democratic party to accept him and the Republican party to elect him on election day, and he was elected; he comes from a good old Boston family. Well, we had another convention. It resulted in the nomination of General Collins; I don't think there was a man in Boston believed General Collins was nominated; if the general himself, I believe, thought he had any chance he would have been a candidate and he was not nominated — I mean to say he was nominated and he was defeated on election day.

Now we haven't had but two experiences with direct nominations in Boston and we nominated General Collins and we nominated Fitzgerald. I haven't anything to say about the Fitzgerald administration. It has been examined and examined closely by men who were there for that purpose. They have had eighteen months to do it. I have examined some corporations and I have found out more about most of them in a week than the Finance Commission got out of the whole city of Boston in eighteen months. But I am glad they did it, because in the long run it may do the town some good.

Now I proceed, as I say, upon the theory that if a man is an American citizen he has a right to vote on election day. If he has a right to vote on election day he has a right to go into some sort of plan to express his will as to the individual that he shall vote for on election day. In two-thirds of the cities of the country a man's vote in the primary is more important than his vote on election day. You can have my vote for Representative in ward fifteen any time on election day; I don't want it; it isn't any good to me; I wouldn't go over there to vote if I didn't feel like it. I go over there merely because I have the habit, but never try to take away from me my vote at the primary, because there is where we name the man. If I name the man at the primaries of my party he will be elected presumably. The same with reference to the Senator, and therefore that is the place where the matter should be put.

Now something has been said about expense. I want to say that the expense under the primary system for the man who is the right kind of man is less than under the other system; there would be no miserable trade, there is no electioneering here to run that man there in order that this man should win; each vote is made upon its own basis and upon its own merits and that is the way it ought to be conducted, and if doing that takes from any party leader or any party any power that it now arrogates to itself, I am perfectly willing to do that, and at the same time I have had something to do with the Democratic organization for a good many years.

But my friend Garcelon has said something about party responsibility and has had something to say about men who are elected under the convention system and direct nomination system. I want to be careful and truthful about what I say, but in the present Massachusetts Legislature I invite him to go over the list and pick out the men whom he thinks are the leaders and the active men on both sides of the House and he will be surprised at the large proportion of them coming from places where they are voted for directly by the people who elect them. I think Mr. Garcelon is, probably, the Republican leader of the House in the Massachusetts Legislature, and Bishop, by reason of his place is, probably, the leader as the head of the judiciary usually, and

Hodgkins of Springfield, the head of mercantile affairs, were voted for directly by the people. And Camp at the head of the ways and means. You can go down all through the leaders and you will find it, so that I claim that the country member always has the largest experience, and other things being equal, to be the abler member.

Now so far as my feeling is concerned and what is proper on my part, Mr. Garcelon knows what my feelings are; I have always tried to give the man in the country anything that he wants if he will only say that it is good for his district; I will vote for him cheerfully. I have suggested that Mr. Garcelon is probably the Republican leader. I venture to say that Mr. Garcelon has modified his views often at my suggestion, and I am willing to admit that I have modified mine quite often at his. If our votes were placed side by side some of you would be willing to believe we were colleagues. That is the way we do things at the State House.

MR. GARCELON: Only one thing that was said by Representative Ready will I refer to. That is that which he stated about our campaign for Lieutenant-Governor. I want to say to the gentlemen from New York that what he said there about the plan of the direct nomination system, clearly shows to us of Massachusetts how little he really knows about the Republican sentiment and the Republican voters of the Commonwealth of Massachusetts. He has been devoting himself to the Democratic voters and not to the Republican voters.

There is a gentleman present who has for a long time been interested in politics here in Massachusetts. He was for one or two years the chairman of the ways and means committee, which with the judiciary is the most important committee of the House of Representatives. He has been actively interested in politics since. He is connected with a Republican newspaper and knows what is going on in Massachusetts. I refer to Mr. Charles T. Adams, of Melrose. (Applause.)

MR. ADAMS: Gentlemen, it is too late and too warm to talk very long. I was very much interested in Mr. Ready's remarks and it occurred to me that, with his pleasing personality, there is no doubt but that he would make a very strong canvass under the direct nomination system; and then he has tried both systems and

he has been a winner in each case, so that it proves nothing in favor of direct nomination.

Now, he has described a lot of these conventions, but of the Democratic party. He has not described any of the orderly deliberative conventions of the Republican party (laughter); he has described conventions that they used to have in Boston when the party leaders could not control them and when it was mob rule, and I don't know but that the word violence would apply very well to some caucuses and conventions that were held by the Democrats in the various wards in the city of Boston. But that was merely a matter of police duty. We did not then have a Stephen O'Mara, as police commissioner, and we did not have District Attorney Hill to see that all the laws relating to election and caucuses are not violated by the Democratic party in the city of Boston. We could now have in Boston, even under the old system, I think, in behalf of the Democratic party, with very good results.

Now, when I was in the Legislature, this question was comparatively new and nearly everybody had a little touch of sentiment in favor of what was called direct nominations by the people. But, really, this has not turned out to be direct nominations by the people. They have turned out to be direct nominations by the candidates themselves. Because, as we all know, this direct nomination business limits the voters to two or three candidates who file their names early and get them upon the ballot. So that when the people come to the caucus they cannot have their choice and nominate who they want to, but they are limited to two or three candidates whose names appear upon the ballot and very often they are not favorable to either one of the candidates whose names appear there, but there is nothing for them to do but to vote for them; there is absolutely no choice on behalf of the people of the men who shall serve them in responsible positions.

Now, I come from the fourth Middlesex district, and there we have a mixture of both plans and systems of nomination and I know very well that our voters in certain districts are confronted at the caucus with two names upon the ballot, neither of whom they want to vote for. But what they would prefer to do would be to select a few delegates from their people, prominent leaders of the party, and let them get together and nominate men in conventions for fair deliberation and select men whom they do want;

instead of that, they are forced to take one or two — one of these names that appears there; it may be put there by the man himself or put there by a set—and if put there by the man himself, they are obliged to take him, and there is absolutely no opportunity for deliberation or for consideration or for selection; they must take one of two names that are there upon the ballot and put there by the candidate himself.

Now, it has been so that in a convention properly conducted, where the leaders of the party get together, the most responsible men in the communities, such men as we find in our Republican convention, within our great Republican State conventions that are held every year here in this Commonwealth. There are gathered all the prominent men of Massachusetts; all the men who have to do with our political and public affairs; our most responsible representative citizens have come from every town, city and district in the State and there gathered together, and we have deliberation and discussion and a presentation of names and very often a name is presented and very often a man is nominated after deliberation in convention who was not at all a candidate earlier.

Now, in our fourth Middlesex district senatorial convention we nominate a member of the Republican State committee. Now, we had for a great many years there, William R. Evans, one of our prominent and honorable business men of Massachusetts. You never could get that man to be a candidate for nomination for Republican State committeeman. Why, he would decline it any time. He never would have signed his name to nomination papers now but when the leading Republicans of that district get together in convention and nominate him unanimously by acclamation because of his eminent fitness and responsibility for the place he will always take it and serve, and he was one of our ablest and most prominent and most responsible men in that convention and on that committee. Now, you cannot get such a man as that to file his name in the district and run as a candidate for the State Committee and be voted for at the polls, because he will not be a candidate in competition with others for the place that he does not desire and he is not drafted for a State office, and such men are wiped out when we fail to nominate a man because of his eminence and fitness for the place. Can a Democrat be thus nominated by a Republican caucus? Can a Republican be thus

nominated at a Democratic caucus? It would be almost an impossibility. I doubt if it could be done. The only way that you can select men in that way is in a convention where men get together for a discussion and deliberation, talking the situation over and the chance of selecting the very best man for the place without regard to his politics.

Mention has been made of the nomination of the school committee in the city of Boston. I think last year that we nominated and elected for a member of the school committee an ideal school committeeman, Joseph Lee. Could he have been nominated in a Democratic caucus? Could he have been nominated even in a Republican caucus? There was a chance where the delegates elected to the school committee convention came together taking the responsibilities that were put upon them, determined to select the very best possible man for school committee in the city of Boston and put a man whose politics I do not know but a man that I knew very well, and who is, I think, conceded to be an ideal man for school committeeman in this great city. Could anybody think, for a moment, that he could have been nominated by this direct primary system. Of course not.

Now, it is too late to talk very much about this thing. It seems to me that Mr. Nathan Mathews, in what he said yesterday before the committee and which was reported in the morning newspapers, absolutely destroyed this false system of direct primary nomination. It seems to me that what he said about that and his description of the situation absolutely destroys the whole direct primary question in this Commonwealth; that anybody who will read what he says will be absolutely obliged to repudiate that system so far as it has become a part of the Massachusetts system of nomination.

Now, we hope that our guests will not think that is the Massachusetts system. The convention system is the Massachusetts system. The other has only come in in a few instances in a dozen or so of senatorial conventions in certain districts where they nominate certain members of the Republican State committee, in certain conventions where they nominate city officers. But the convention system is the Massachusetts system and it is the system that has produced the great men in public affairs that have been referred to this afternoon..

I was impressed by what Mr. Phillips, of New York, said about the great men that have come to the front here in Massachusetts in political affairs, and largely in the Republican party. They were the product of the convention system.

And it seems to me that the Massachusetts system is the convention system and it is that that we should stand for in Massachusetts, for deliberation, for discussions and for conventions, where men get together and talk over these things and come to the wisest and best conclusions. (Applause.)

Mr. GARCELON: There are no other speakers; and it is the custom of the club not to have various protracted discussions, especially in mid-week.

I simply, in closing, want to emphasize this fact. I think you will all agree, both Democrats and Republicans, that the greatest opportunity for a man to do good in civic work is by serving on ward, city and town and Senatorial and other committees. There are plenty of men who are willing to get up front and take the high places, but there are very few men who consider it an honor to work on a city committee or on a ward committee. If more good men will take part on ward committees; if we make the ward committee work the active part, it won't make any difference whether we have conventions or direct nominations. We will get good clean candidates.

And in closing, I want to thank the gentlemen from New York who have been kind enough to attend this meeting and trust that we shall see them here again, and that they will come to some satisfactory solution of the problems upon which they are giving so much study.

Thank you.

OFFICE OF COMMISSIONER OF ELECTIONS.

BOSTON, MASS., *July 14, 1909.*

John H. Minton, Chairman of the Board of Election Commissioners:

The Board of Election Commissioners in Boston are appointed by the mayor of the city and are equally divided between the two leading political parties. They have charge of the direction of the primaries and elections in this city.

The qualification of a voter in Massachusetts consists of one year's residence in the State and six months' residence in a city or town in which he votes and his ability to read five lines of the Constitution of the State and to write his name.

The listing board, composed of the police commissioner who is appointed by the governor and a member of the election board of the opposite political party to the police commissioner take charge of the listing or what may be called the census of all male residents of Boston of twenty years of age and upwards. This listing took place this year the first seven week days in May. It will take place next year in the first seven week days in April. This list is the basis of the voting list. In Boston this list contains approximately 205,000 names. The voting list, which is made up by the election commissioners, contains about 110,000 names. The police list after it is completed is transmitted to the election board. The election board compares the names on the police list with the names contained on the voting list of the preceding year, and provided they are satisfied of the identity of a man his name is retained on the voting list. The police list contains this information: The name of the man, his age, occupation and residence of the preceding year. By investigation the election commissioners compare these various matters of information and if they are able to trace a man and are absolutely satisfied as to his identity his name is carried on the voting list. This first list which was made up by the election commissioners and completed about the first week of August contains about 100,000 names. Every person whose name has been omitted because of a lack of identification or persons who have moved into the State and claim the right to vote, or persons who have reached the age of majority and claim the right to vote must then personally appear before the election board and prove their qualification. The voting lists are printed in two sets, one set used by the election officers and the police, at the polls, contains the name of the man, his residence and his age, height and weight. There are two copies of this list behind the rail. One list is used by the election officers to identify the man as he enters and checks his name and the other list is used at the ballot box by the ballot clerks who identify the voter as he deposits his ballot and then checks his name. The police have an exactly similar list

outside the rail. We also print 200 copies of the voting list without the age, height and weight of the voter, and distribute these to the political parties and candidates for election upon application by the candidates. That disposes of the voting list.

Senator MEADE: May I ask you one or two questions? A. Yes, senator.

Q. How many election commissioners have you; you did not state that? A. Four commissioners, two Republicans and two Democrats.

Q. You stated that they were equally divided between the parties; you did not say how many there were? A. Yes.

Q. Now you have no residential qualifications as to wards or districts; you say a man must be a resident of a city six months, is that all? A. That is all, yes, and he votes in the ward in which he resided on the first of May.

By Judge KNAPP:

Q. If he moves from that ward before election day can he go back? A. He goes back to that ward and votes on the first of May.

Q. That is, back to the former place? A. Yes.

Senator MEADE: That's all.

By Judge KNAPP:

Q. This Board of Election Commissioners is appointed by the mayor? A. By the mayor.

Senator MEADE: I think he has answered all the other questions. Now you may go ahead on anything else you have.

Mr. MINTON: Yes, registration. Registration starts in the central office of the Board of Election Commissioners on or about the middle of July in each year and we register voters in this office up to the close of registration. The law provides that we shall also hold ten evening sessions in each ward in the city, the last session of which shall be the twentieth day preceding the State and city election; that we hold ten evening sessions preceding the State election and ten evening sessions preceding the city election.

Secretary M. W. BURLIN, secretary to the commission: Preceding the twentieth day? A. Yes, the twentieth day preceding the election, being the last day of this period.

Two clerks called assistant registrars, appointed by the Board of Election Commissioners, one a Republican and one a Democrat, officiate at this session in taking the registrations. Is there anything else about registration that you want to know, gentlemen.

Secretary BURLIN: You might say that these outside registrars are also one from each political party.

Mr. MINTON: I covered that while you were out.

By Judge KNAPP:

Q. Did you state the assessors that furnish the list to the outside registrars instead of the police in the city? A. The police —

Q. The police do in the city, but outside of the city it is the assessors? A. Well, I am covering only the city. Oh, yes, the assessors outside of the city of Boston do, yes. But the police do in Boston what the assessors do in other towns and cities throughout the Commonwealth.

Secretary BURLIN: As to the time, limited in Boston to this seven days in question? A. Yes; well I didn't want to get in too many details.

Judge KNAPP: The time is not important.

Mr. MINTON: Now the methods of nominating. Formerly in Boston preceding the year 1903, we nominated candidates in what were called ward caucuses, held under the provisions of what is commonly known as the Boston Caucus Act. The caucus officers at these caucuses were elected by the voters of the ward. In some wards the attendance at the meeting places was between 2,500 and 3,000 voters. The caucus officers were not responsible to the election officials or to any other public body. The Republicans held their caucus on a different date from the Democrats. It was charged that the members of one political party voted at times in the caucus of another. Because of the fact that the caucus officers were not responsible to any public constituted body because of the great number of persons who attended these caucuses and the confusion attended thereto, and because of the fact that the voters were alleged to vote in the caucuses of the party with which they were not affiliated, the Luce Primary Act was passed and made mandatory on Boston and optional in other cities and towns in the State. This joint primary act provides that all political

parties shall vote at the same time and place and the conduct of the primary shall be practically the same as that of the elections.

At the first primary in 1903 the voter by mere attendance at the primary and calling for the ballot of the political party automatically enrolled himself with that party. And his enrollment has continued ever since unless he has changed it. He changes it only by appearing in person before the election commissioners and signifying his desire of wanting to change his enrollment to that of another party, but this change does not take effect until ninety days after he so appears.

The same election officers who preside at the elections preside at the primary.

The clerks are paid ten dollars a day; all the other election officers eight dollars a day. There are six in each precinct, the warden and clerk and four inspectors.

At the primary the votes are transmitted to the polls by police officers under direction of the election commissioners on the morning of the election, and reach there just preceding the time for opening the polls.

The Australian ballot is used at the primary and elections, and at 4 o'clock the ballot boxes, all the check lists and the unused ballots are immediately brought to the officers of the election board by the police officers. This leaves nothing in the booths except the ballots which have been cast. After these have been counted and the counting must be done in full view of the voters, the ballots are returned also by the police officer to the election board.

The joint primary is really the primary of different parties held on the same day and yet held separately and distinctly. For example, after the closing of the polls the Democratic ballots are placed in one pile and counted; the returns made and those ballots sealed before the Republican ballots are counted. Then the same procedure takes place with the Republican ballots, and the ballots of any other political party. Thus the votes of persons on different ballots cannot be counted together provided the man's name was on the Democratic and Republican ballot.

In Boston we nominated by direct nomination in the primaries, congressmen in all our districts, and we have three congressional districts in the city; and we also nominate a councilor in the councilor district in the city of Boston. We also nominate senators

and representatives to the general court. In our city officers, we nominate the mayor, street commissioner, aldermen and councilors by direct vote.

The school committee in Boston is nominated by convention.

The expense of conducting the election department of Boston is approximately \$165,000. That includes everything in connection with the elections, the cost of ballots, the preparation of the voting lists, payment of salaries to election officers and salaries to the clerks in the board and the election commissioners and all the expenses in providing and fitting up the polling places. In fact, all expenses incident to holding primaries and elections.

The election board, judge, also has the selection of jurors.

By Judge KNAPP:

Q. I was going to ask you — you have not stated the figures showing the cost of the primary itself.

Secretary BURLIN: Twenty to twenty-five thousand dollars.

Q. How much? A. Between \$20,000 and \$25,000.

Mr. MINTON: It costs us about \$20,000 for holding the elections. That is, for the things, providing all the paraphernalia, the ballots, and payment of all salaries for that day. From that should be deducted some expense for the selection of jurors in the city. We select about 8,000 jurors to represent the city of Boston each year. These jurors are investigated by the police department and afterwards drawn by our board of aldermen.

Judge KNAPP: I think you have been very careful over it. Of course, we have got a little more into the record; we had to take some of these things from other parties up there.

Mr. MINTON: Yes.

Judge KNAPP: And we do not mean to go as particularly into this as we would if we had come down here in the first instance.

Mr. MINTON: Yes, that's right.

Judge KNAPP: Senator Meade, do you think of anything more to ask that we want from Mr. Minton, or the board.

Senator MEADE: No, I think that is all.

Judge KNAPP: I did not hear the first part; has he covered the method of registration.

Senator MEADE: Yes.

Q. And the method of correcting; did you say in that connection

that there has been no general personal registration here for about twelve years? A. There has been no general registration since 1896.

Q. I think your report will show substantially the percentage of the registered vote that actually votes? A. Yes; better depend on that.

Q. It is only a question if this system of registration has a tendency to induce a larger vote or whether personal registration required every year would bring out ordinarily a larger vote — I am inclined to think in our presidential years, where we have — A. I would think that will show, because if a person takes the trouble to register every year, the chances always are they will go to the polls.

Q. If the people go out and register, if they once register their names, they will go to vote? A. Yes, I think that is so.

Q. The people who take the trouble to go in and see if they are registered correctly and have their names added to the roll, don't you think that those people vote, or have you any means of telling? A. I have no means of telling that, I never looked into that problem. That would involve the examination of every person's vote and a check.

Judge KNAPP: I don't know that there is anything else, Senator Meade; I thought it would be well to have this on the record; I intended to have it earlier in the session.

Senator MEADE: Yes, it is necessary in determining the workings of the primary law, because you know that under certain restrictions it will work one way, and under those restrictions —

Judge KNAPP: We have got copies of your primary ballots, etc.

Mr. MINTON to Secretary BURLIN:

Q. What is the largest percentage of the voting list that we have had?

Secretary BURLIN: Well, we had 92 per cent. in the McKinley election, the largest presidential vote of 92 per cent.; it runs down from 92. It averages somewhere, I should say, 72 per cent., the average of the registered vote.

Judge KNAPP: I think the report shows quite a large variation in districts which perhaps have a strong majority one way or the other — a little less inclined to vote.

Mr. MINTON: There is one question that was asked me by the

secretary, which, perhaps, I better put in the record: The deaths of all persons are reported to the Board of Election Commissioners by the State Registrar and we are able to identify the name of a person who has died as that of a voter; we strike his name from the list. Within ten days preceding a State election or a city election the public officer in charge of the various prisons and public institutions such as the insane asylum and pauper institutes send us a list of all the names and when people put in a name of an inmate, as that of a prison, borne on the voting list, we make a notation in red ink opposite his name that he is an inmate of such institution. This goes in to the election officers, that the man is so confined there. I think it appears that a man must appear once and declare his personal registration? A. Yes.

Q. And he has got to get his name on in that way? A. Yes.

Q. One other thing I was going to ask you that slips my mind just at this moment — there are so many of these questions up — oh — have you observed any considerable number of persons appearing to change their party on the enrollment? A. A small percentage compared to the total enrollment.

Q. Well, would it run 1 per cent.? A. One per cent.

Q. Of the total enrollment.

Secretary BURLIN: There are about 59,000 and 28,000 Republicans enrolled.

Mr. MINTON: No, not anywhere near 1 per cent.

Q. Not anywhere near 1 per cent? A. No.

Q. Decide to change? A. No, I think not; you can get them by the first year —.

Secretary BURLIN (referring to books): They take four to a page; we started in in 1904.

By Senator MEADE: How do you get the dead men off the list?

Judge KNAPP: Just spoken of.

Secretary BURLIN: From the registrar's death return. There were seventy-nine people the first year changed their enrollment.

Q. That was 1904? A. Nineteen hundred and four; that was the next year after we made the enrollment.

Q. And does that run along about the same? A. Now take 1904, that was the first year; now, in 1905 the difference between 20 and 63 — would be 215 the next year.

Q. Take it 1908, or last year? Just to get that? A. 1908 we ran from 210 to — let's see — to 250.

Q. Now, another question, if you can answer it: Have you found any considerable number of voters taking the oath at the time of the application for a vote at the primary to the effect that the election officers have made an error and enrolled them and asked to have it corrected? A. Very few indeed. I would say it doesn't happen in an election to more than fifteen or twenty people in the whole city.

Q. At an election? A. At a primary. In an enrollment at an election or a primary.

Q. Well, that is, it has not happened to any extent under the joint primary act? A. Sometimes a mistake will occur by an election officer; made a little mistake as explained the other day and the law gives them a right to amend.

Q. The election law gives them the right to correct that; he can do it in that way and get on? A. Yes, but the enrollment is never changed. It goes back to the precinct the same way that it is originally, until that man comes down here and makes the change.

Q. So that he does not get his new enrollment by enrolling that year? A. No. He must do more than that to get that; he must come down here and say that he wants to change it, and he must change it under the ninety days' clause.

Q. Well, that would show, then, that under this primary act a person claiming a mistake at the time of his application to vote under the primary, that no considerable number had availed themselves of that, and that probably there is comparatively little in the line of perjury at that time? A. Yes. To change it he must show carelessness on the part of the election officers, or perjury. I think we do not question the man. We have the reports and we have the names and we shall question them and find out why that mistake was made.

Mr. MINTON: There is one thing that I wanted to get on, judge, that may be of some interest to you men from New York. Recount. Upon the petition of fifty voters in the ward alleging that there is an error in the returns, which petition is sworn to by one of the subscribers, a recount is held of all the votes requested in that petition. The law applies to primaries as well

as elections. The board always have a recount after every election and every primary in this State. As a general rule upon a petition.

Q. Some man always petitions for it? A. Always petitions. For example, in the city election there are thirteen aldermen now elected at large for the city. The difference between the thirteenth man and the fourteenth man is always a small number of votes, and consequently at almost every city election the board is obliged to recount the votes cast for certain candidates for aldermen throughout the entire city. This sometimes takes the election board a week. At this recount each candidate is entitled to and generally has two representatives at each table. We sometimes recount at ten tables. One Republican clerk calls off the ballot and a Democratic clerk checks the result.

Secretary BURLIN: Those are our office force here. And, sir, this recount is conducted by our office force and is usually held in Faneuil Hall. The parties are entitled to be represented by counsel. The recount, therefore, is conducted in plain view of the interested parties and their counsel. Disputed ballots are referred to the election board and decided by them.

By Judge KNAPP:

Q. Is their decision final? A. Their decision may be referred to the courts.

We never approximated how much expense ought to be deducted for the jurors.

Secretary BURLIN: Be fair to say, I should say, about \$3,000, perhaps.

Mr. MINTON: Yes, about \$3,000 it would go.

By Senator MEADE:

Q. About \$150,000 or \$70,000 was it.

Mr. MINTON: One hundred and fifty-two thousand dollars.

Secretary BURLIN: That is everything; that is registration, elections, primaries, printing of ballots.

Mr. MINTON: Canvassing and everything.

Secretary BURLIN: Preparation of the voting list, printing of the voting list.

Mr. MINTON: Allowing for everything.

By Senator MEADE:

Q. That is a year?

Secretary BURLIN: A year, yes.

Mr. MINTON: Yes. And we had twenty-eight permanent clerks in the department. Those clerks are paid four dollars a day.

Judge KNAPP: There are in these files one of the blanks of this petition for recount.

Senator MEADE: Yes, all right.

Mr. MINTON: There are two primaries and two elections in this State each year.

Secretary BURLIN: We have 205 precincts. We have six election officers to each precinct; fifty dollars a precinct; and the pay for election officers is over \$40,000.

Mr. MINTON: The vault in which our ballots are deposited is situated in the old Court House and has two combinations, one of which is known to the two Republicans on the board and the other is known to the two Democrats, so that the vault cannot be opened unless a Democrat and a Republican are present.

The election board has a card index of all the voters on the voting list of Boston, since 1900, and this card index is of great use in making up the voting list.

Senator MEADE: Gentlemen, we appreciate your kindness.

EXHIBIT NO. 1 — Boston, Mass.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the nomination of candidates for the general court and for state political committees in certain districts in the county of Essex.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Nominations by political parties of candidates for state senator from the first Essex district, and for representa-

tive to the general court from the twelfth, thirteenth, fourteenth, and fifteenth Essex districts, shall be made in caucuses by direct plurality vote.

SECTION 2. Members of state political committees from the first Essex senatorial district, and of the district committees for said senatorial district and representative districts enumerated in section one, shall be elected in caucuses by plurality vote.

SECTION 3. Returns of caucuses held under the foregoing sections shall be made according to the provisions of section one hundred and thirty-seven, chapter five hundred and sixty of the acts of nineteen hundred and seven. The registrars of voters and the city clerk of the city of Lynn, together with the clerk of any town comprised within any of the senatorial or representative districts enumerated in the foregoing sections shall constitute a canvassing board for such districts, and shall proceed in the manner prescribed in section one hundred and five, chapter five hundred and sixty of the acts of nineteen hundred and seven for like canvassing boards in the county of Suffolk.

HOUSE — No. 159.

(Bill accompanying the petition of William E. Dorman for legislation to provide for direct nomination of candidates for certain public offices in the county of Essex. Election Laws, January 14.)

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the nomination of candidates for the general court and for the state political committees in certain districts in the county of Essex.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Nominations by political parties of candidates for state senator from the first Essex district, and for representative

to the general court from the twelfth, thirteenth, fourteenth, and fifteenth Essex districts, shall be made by caucuses by direct plurality vote.

SECTION 2. Members of state political committees from the first Essex senatorial district, and of the district committees for said senatorial district and representative districts enumerated in section one, shall be elected in caucuses by plurality vote.

SECTION 3. Returns of caucuses held under the foregoing sections shall be made according to the provisions of section one hundred and thirty-seven, chapter five hundred and sixty of the acts of nineteen hundred and seven. The registrars of voters and the city clerk of the city of Lynn, together with the clerk of any town comprised within any of the senatorial or representative districts enumerated in the foregoing sections shall constitute a canvassing board for such districts, and shall proceed in the manner prescribed in section one hundred and five, chapter five hundred and sixty of the acts of nineteen hundred and seven for like canvassing boards in the county of Suffolk.

HOUSE — No. 183.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the nomination of candidates for the school committee of the city of Boston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Candidates for the school committee of the city of Boston shall hereafter be nominated by direct vote in the same manner in which candidates for the office of mayor are nominated.

SECTION 2. This act shall take effect upon its passage.

HOUSE — No. 184.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the nomination of candidates for the school committee
in the city of Boston.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

SECTION 1. Section one hundred and sixty-six of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by striking out, in the seventh line of the first paragraph, the words "except school committee in Boston," so that said first paragraph shall read as follows: Section 166. The candidates of all political parties for the office of representative in Congress in the ninth, tenth and eleventh districts, counselor in districts composed wholly of Suffolk senatorial districts, senator in the Suffolk districts, representative in the general court and for elective city offices to be voted for in two or more wards, shall be nominated by direct plurality vote in caucuses or primaries.

SECTION 2. The last paragraph of section one hundred and sixty-eight of said chapter is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

HOUSE — No. 222.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the nomination, in the Fifth Middlesex Senatorial District, of candidates for certain offices and committees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION. 1. The nomination of candidates for the office of state senator from the fifth Middlesex senatorial district, the nomination of candidates for the office of representative in the general court from the "fifth," "ninth," "tenth," "thirteenth," "twenty-ninth" and "thirtieth" Middlesex representative districts, by all political parties, shall be made in caucus by direct plurality vote.

SECTION 2. The election of all state political committees for the fifth Middlesex senatorial district, and the election of all district political committees for the said fifth senatorial Middlesex district, and for the fifth, ninth, tenth, thirteenth, twenty-ninth and thirtieth Middlesex representative districts shall be made in caucus by direct plurality vote.

SECTION 3. Section one hundred and five and section one hundred and thirty-seven, chapter five hundred and sixty of the acts of nineteen hundred and seven, and all provisions of law relative to caucuses of political parties and to nominations and elections in caucuses by direct plurality vote and to ballots, returns, and the duties of city and town clerks and registrars of voters, so far as they are applicable, shall apply to caucuses and nominations and elections held in conformity with the provisions of this act.

SECTION 4. The registrars of voters and the city clerks of each of the cities, together with the clerks of each of the towns

comprised within said senatorial and representative districts, shall constitute a canvassing board for said districts. Said canvassing board shall meet for the purpose of carrying out the provisions of this act at the office of the city clerk of the city of Waltham, at the time provided for by said section one hundred and five.

SECTION 5. This act shall take effect upon its passage.

HOUSE — No. 257.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for direct nominations in the county of Essex.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Nominations by political parties of candidates for senator and representative in the general court, in the county of Essex, and for all county offices in said county, and for district attorney for the eastern district, shall be made in caucuses or primaries by direct plurality vote.

SECTION 2. Members of state political committees from the senatorial districts affected by section one shall be elected by direct plurality vote in the caucuses or primaries held for nominating senators in said districts.

SECTION 3. All provisions of law relative to caucuses or primaries of political parties, and to nominations and elections in caucuses or primaries by direct plurality vote, and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses or primaries and elections held in accordance with the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

SENATE — No. 45.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the election of United States senators.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purpose of affording members of the Legislature information as to the preference of party voters for candidates for United States senator, the names of candidates for the position of United States senator shall be printed upon the official ballots of the respective political parties in the following manner. At every state election next preceding the election of a United States senator by the Legislature of Massachusetts there shall be placed upon the official ballot by the secretary of the commonwealth of Massachusetts the names of all candidates for the office of United States senator that have been nominated in any of the methods now or which may hereafter be provided by law for the nomination of state officers for the commonwealth of Massachusetts. The votes of each candidate shall be counted and returned in the same manner as the votes for other candidates for election to state office. The secretary of state shall transmit duplicate copies of the returns of such vote to the Legislature assembled at its next ensuing session, one of which shall be addressed to the senate and the other to the house of representatives of the state of Massachusetts. One copy of which shall be delivered by him to the president of the senate and the other to the speaker of the house of representatives immediately after the organization of such bodies, which officers shall open and lay the same before the separate houses when assembled to elect a United States senator as now required by the act of congress. It shall be the duty of

each presiding officer to announce the candidate for senator having the highest number of votes of each political party and thereupon the Legislature shall proceed upon the election of a United States senator, as required by the acts of congress and the commonwealth of Massachusetts.

SECTION 2. In the event that no nominations are made as provided for in section one, any number of legal voters of this state, not less than five hundred, who are members of the same political party may prepare and sign with their names, residences and post office addresses, a petition addressed to the secretary of state setting forth that the signers are qualified voters of the commonwealth of Massachusetts; that they are members of a political party (naming the same) and that at the last election for state officers preceding the execution of the said petition they voted for a majority of the candidates whose names were printed upon the ticket of the said party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person named in their petition as a candidate for the office of United States senator and that they request the secretary of state to cause the name of the person so endorsed to be printed upon the official ballots of such political party throughout the state as the candidate for the office of United States senator. Such petition shall further state the residence and post office address of the candidate for United States senator, so endorsed that he is legally qualified under the laws of this commonwealth to be elected to that office by the legislature. Before any petition shall be filed as hereinafter provided, at least ten of the voters signing the same shall make oath before a duly qualified officer of the state that the said petition is made in good faith; that the affiants verily believe all the signatures thereto to be genuine and those of duly qualified voters and members of the political party mentioned in such petition, and a certificate that said oath has been taken shall be endorsed upon or annexed to the petition by the officers before whom the same is taken. Accompanying said petition the person therein endorsed as a candidate for United States senator shall file a certificate stating that he is qualified for said office and that he consents to the use of his name upon the ticket of the party mentioned in the said petition as candidate for the said office at the ensuing general election. Said petition shall

be filed with the secretary of state at least twenty days before any general election at which members of the legislature are to be elected who will have the right to vote in the legislature for a United States senator.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters voting upon said question at the next state election held after the passage of this act.

SECTION 4. The secretary of the commonwealth shall, prior to the next state election, cause to be placed upon the official ballot of the commonwealth of Massachusetts the words:—Shall voters express their party preference for candidates for United States senator under the provisions of chapter — of the acts of the year nineteen hundred and nine?

YES.	
NO.	

HOUSE — No. 310.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for Direct Nomination of candidates for certain elective offices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Every nomination by a political party of a candidate for senator or representative in the general court shall be made by direct plurality vote.

SECTION 2. In election districts, nominating by direct vote

that are partly within cities holding primaries, state caucuses of all political parties shall be held on the sixth Tuesday preceding state elections.

SECTION 3. Members of state political committees from the senatorial districts shall be elected by direct plurality vote in the caucuses held as aforesaid for nominating senators from the said districts.

SECTION 4. All provisions of law relative to caucuses of political parties and to nominations and elections in caucuses by direct plurality vote and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses and elections held in accordance with the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

HOUSE — No. 366.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for direct nomination of candidates for certain elective offices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Every nomination by a political party of a candidate for senator or representatives in the general court shall be made by direct plurality vote.

SECTION 2. In election districts nominating by direct vote that are partly within cities holding primaries, state caucuses of all political parties shall be held on the sixth Tuesday preceding state elections.

SECTION 3. Members of state political committees from the senatorial districts shall be elected by direct plurality vote in the

caucuses held as aforesaid for nominating senators for the said districts.

SECTION 4. All provisions of law relative to caucuses of political parties and to nominations and elections in caucuses by direct plurality vote and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses and elections held in accordance with the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

HOUSE — No. 367.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for the nomination by direct plurality vote of candidates for senator and members of state committees in the fourth Essex senatorial district.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Nominations by political parties of candidates for senator in the fourth Essex senatorial district shall be made in caucuses by direct plurality vote.

SECTION 2. The members of state political committees from the fourth Essex senatorial district affected by section one, shall be elected by direct plurality vote in the caucuses or primaries held for nominating senators in said districts.

SECTION 3. All provisions of law relative to caucuses or primaries of political parties, and in nominations and elections in caucuses or primaries by direct plurality vote, and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses or primaries and elections held in accordance with the provisions of this act.

SECTION 4. For the purpose of tabulating and determining the results of all such returns for the members of the state committee, the clerks of the several cities and towns in the fourth Essex senatorial districts, shall meet as examining boards at ten o'clock in the forenoon on the Monday preceding the day on which certificates of nominations for senator are required by law to be filed with the secretary of the commonwealth, at the office of the city clerk of the city of Haverhill. Said examining board shall tabulate and determine the results of all such returns and each examining board shall certify to the facts required by law. They shall furnish to the members of the state committee elected in the fourth Essex senatorial district certificates of their election, and shall send to the secretary of the state committee of each political party, the names and residences of the members of such party so elected.

SECTION 5. This act shall take effect upon its passage.

HOUSE — No. 481.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for Direct Nominations in Caucuses of Political Parties.

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, as follows:

SECTION 1. In caucuses of political parties for the nomination of candidates prior to a state election, the nomination shall be made by direct plurality vote.

SECTION 2. The election of members of state committees shall conform to the nomination of candidates for senator.

HOUSE — No. 482.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the Nomination of Candidates for Public Office by
Direct Plurality Vote.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

SECTION 1. In all election districts where candidates are not now nominated in caucuses by direct plurality vote, there shall be placed on the official ballot for the next state election such of the following questions as may apply:

One. Shall nominations by political parties of candidates for representatives in the general court from this district hereafter be made by direct plurality vote?

Two. Shall nominations by political parties of candidates for senator and member of the state committee from this district hereafter be made in caucuses by direct plurality vote?

Three. Shall nominations by political parties of candidates for councilor from this district hereafter be made in caucuses by direct plurality vote?

Four. Shall nominations by political parties of candidates for representative in congress from this district hereafter be made in caucuses by direct plurality vote?

Five. Shall nominations by political parties of candidates for governor, lieutenant governor, secretary of the commonwealth, treasurer and receiver general, auditor and attorney general hereafter be made in caucuses by direct plurality vote?

Six. Shall nominations by political parties of candidates for officers of this county hereafter be made in caucuses by direct plurality vote?

Seven. Shall nominations by political parties of candidates for all other state offices for this district hereafter be made in caucuses by direct plurality vote?

SECTION 2. In election districts where a majority of the votes cast are in the affirmative, nominations of candidates by political parties shall hereafter be made in caucuses by direct plurality vote, except in any election district not wholly within any one city, or town where a majority of the votes cast in each of more than one-half of the cities or towns or parts thereof concerned are not in the affirmative.

HOUSE — No. 580.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the Nomination of Candidates in the Twenty-third Essex Representative District.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Nominations by political parties of candidates for representatives from the twenty-third Essex district shall be made in caucuses by direct plurality vote.

SECTION 2. All provisions of law relative to caucuses of political parties and to nominations and elections in caucuses by direct plurality vote and to ballots, returns, and duties of city clerks and registrars so far as they are applicable shall apply to caucuses and elections held in accordance with the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

SENATE — No. 116.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for the Nomination of Sheriff of the County of Suffolk
by Direct Vote.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

SECTION 1. Nomination papers of candidates for sheriff of the county of Suffolk, to be nominated or elected by a political party shall be signed by at least five registered voters of each ward and of each city and town in the county, and shall be members of the political party holding the caucus. Such candidate for sheriff shall be nominated by direct plurality vote in caucuses of the party held in every such ward, city or town, and the person who, in the aggregate of all ballots cast at all such caucuses in said county for such candidate for sheriff shall receive the highest number of such vote shall be the candidate nominated.

SECTION 2. The provisions of law relating to the preparation of nomination papers and ballots, caucuses and elections, to ballots cast at caucuses and elections, to recounts of such ballots and to certificates of nomination of candidates for sheriff, shall, so far as they are applicable and not inconsistent with this act, apply to the caucus aforesaid, the ballots cast thereat, the returns relating to such ballots, the recounts of such ballots, and the certificates of nomination made as aforesaid.

HOUSE — No. 949.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for the Direct Nomination of Candidates for Elective
County Officers in the County of Suffolk.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

SECTION 1. Nominations of county elective officers in the
county of Suffolk, shall hereafter be made in caucuses by direct
plurality vote.

SECTION 2. All provisions of law relative to caucuses of
political parties and to nominations and elections in caucuses by
direct plurality vote, and to ballots, returns, and the duties of
city clerks and registrars, so far as they are applicable, shall apply
to caucuses held in accordance with the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

HOUSE — No. 581.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for Direct Nomination in the County of Essex of Can-
didates for Certain Public Offices.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

SECTION 1. Nominations by political parties of candidates
for senator and representative in the general court from districts

wholly within the county of Essex, and for all county offices in said county, and for district attorney for the eastern district, shall be made in caucuses or primaries by direct plurality vote.

SECTION 2. Members of state political committees from the senatorial districts affected by section one shall be elected by direct plurality vote in the caucuses or primaries held for nominating senators in said districts.

SECTION 3. All provisions of law relative to caucuses or primaries of political parties, and to nominations and elections in caucuses or primaries by direct plurality vote, and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses or primaries and elections held in accordance with the provisions of this act.

SECTION 4. For the purpose of tabulating and determining the results of all such returns for members of the state committee, the clerks of the several cities and towns in each senatorial district shall meet, as examining boards, at ten o'clock in the forenoon of the Monday preceding the day on which certificates of nomination for senator are required by law to be filed with the secretary of the commonwealth, as follows: First district, at the office of the city clerk of the city of Lynn; second district, at the office of the city clerk of the city of Beverly; third district at the office of the city clerk of the city of Gloucester; fourth district, at the office of the city clerk of the city of Haverhill; fifth district, at the office of the city clerk of the city of Lawrence. Said examining boards shall tabulate and determine the results of all such returns, and each examining board shall certify to the facts required by law. They shall furnish to the members of the state committee elected in the Essex senatorial districts certificates of their election, and shall send to the secretary of the state committee of each political party the names and residences of the members of such party so elected.

SECTION 5. This act shall take effect upon its passage.

HOUSE — No. 950.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To extend the System of Direct Nomination of Candidates for Elective Office.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

In the case of any elective office for which nomination by direct plurality vote is not provided by law, upon petition of qualified voters of a political party signed in the aggregate by four voters for every one hundred votes cast by such political party for its candidate for governor at the preceding annual state election in the electoral district in question, but in no case by less than one hundred or more than one thousand qualified voters, the nomination of such party for such office shall in that year be made by direct plurality vote. Such petition shall be filed before the first day of August with the secretary of the political committee for the district in question; if no such committee exists, it shall be filed with the secretary of the state committee. Signers of such petitions in cities and towns where primaries are held shall be certified as enrolled voters of the political party in question by the board of election commissioners in Boston or by the clerk of any other city or of any town. In other cities and towns where there may be enrollment under the rules of party committees, such signers shall be so certified by the secretaries of such committees. The secretary of a committee other than a state committee with whom such petition is filed shall forthwith notify the secretary of the state committee of the political party concerned and the secretary of the commonwealth, and the secretary of a

state committee shall forthwith notify the secretary of the commonwealth. The call for the caucuses or primaries concerned shall specify that the nomination in question is to be made by direct plurality vote.

HOUSE — No. 1727.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Nine Hundred and Nine.

AN ACT ·

Relating to the Administration of the City of Boston and to amend the Charter of the said City.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

THE MAYOR AND CITY COUNCIL.

SECTION 1. The terms of office of the mayor and the members of both branches of the present city council of the city of Boston and of the street commissioner whose term would expire on the first Monday of January, nineteen hundred and ten, are hereby extended to ten o'clock A. M. on the first Monday of February, nineteen hundred and ten, and at that time the said city council and both branches thereof and the positions of city messenger, clerk of the common council, clerk of committees, assistant clerk of committees, and their subordinates, shall be abolished. The officials whose terms of office are hereby extended shall, for the extended term, receive a compensation equal to one-twelfth of the annual salaries now paid to them respectively. The mayor and city council elected in accordance with the provisions of this act, and their successors, shall thereafter have all the powers and privileges conferred, and be subject to all the duties and obligations imposed, by law upon the city council or the board of aldermen, acting as such or as county commissioners or in any capacity, except as herein otherwise provided. Whenever in this act the

phrase "mayor and city council" appears, it shall be understood as meaning the mayor and city council acting on and after the first Monday of February, nineteen hundred and ten, under the provisions of this and the three following sections. The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of city clerk, as it may deem necessary for the conduct of its affairs and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure.

SECTION 2. The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations other than for school purposes as he may deem to be for the welfare of the city. The city council shall consider each ordinance or loan order presented by the mayor and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If the said ordinance or loan order is not rejected within said sixty days it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance or loan order which has been rejected or withdrawn. The city council may originate an ordinance or loan order and may reduce or reject any item in any loan, and subject to the approval of the mayor, may amend an ordinance. All sales of land other than school lands, all appropriations for the purchase of land other than for school purposes, and all loans voted by the city council shall require a vote of two-thirds of all the members of the city council; and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be not less than fourteen days after the first. No amendment increasing the amount of land to be sold or the amount to be paid for the purchase of land, or the amount of loans, or altering the disposition of purchase money or of the proceeds of loans shall be made at the time of the second reading and vote.

SECTION 3. All appropriations, other than for school purposes, to be met from taxes, revenues, or any source other than loans shall originate with the mayor, who within thirty days after the beginning of the fiscal year shall submit to the city council the annual budget of the current expenses of the city and county,

and may submit thereafter supplementary budgets until such time as the tax rate for the year shall have been fixed. The city council may reduce or reject any item, but without the approval of the mayor shall not increase any item in, nor the total of a budget, nor add any item thereto, nor shall it originate a budget. It shall be the duty of the city and county officials, when requested by the mayor, to submit forthwith in such detail as he may require, estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council.

The city auditor may, with the approval in each instance of the mayor, at any time make transfers from the appropriation for current expenses of one division of a department to the appropriation for current expenses of any other division of the same department, and from the reserve fund to any appropriation for the current expenses of a department; and may also, with the approval of the mayor, at any time between December first and February first, make transfers from any appropriation to any other appropriation; provided, however, that no money raised by loan shall be transferred to any appropriation from income or taxes. He may also with such approval apply any of the income and taxes not disposed of in closing the accounts for the financial year in such manner as he may determine.

SECTION 4. Every appropriation, ordinance, order, resolution and vote of the city council, except votes relating to its own internal affairs, shall be presented to the mayor, who shall make or cause to be made, a written record of the time and place of presentation, and it shall be in force if he approves the same within fifteen days after it shall have been presented to him, or if the same is not returned by him with his objections thereto in writing within said period of fifteen days. If within said period said appropriation, ordinance, order, resolution, or vote is returned by the mayor to the city council by filing the same with the city clerk with his objections thereto the same shall be void. If the same involves the expenditure of money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall be in force, and such items or parts of items as he disapproves shall be void.

SECTION 5. Except as otherwise provided in this act, the organization, powers, and duties of the executive department of the city shall remain as constituted at the time when this section takes effect, but the mayor and city council at any time may by ordinance recognize, consolidate, or abolish departments in whole or in part; transfer the duties, powers, and appropriations of one department to another in whole or in part; and establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments, or members of boards. Nothing in this act shall authorize the abolition or the taking away of any of the powers or duties as established by law of the assessing department, building department, board of appeal, children's institutions department, election department, fire department, Franklin foundation, hospital department, library department, overseers of the poor, schoolhouse department, school committee, or any department in charge of an official or officials appointed by the governor, nor the abolition of the health department.

SECTION 6. No contract for lighting the public streets, parks or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days' notice shall have been given in the City Record.

SECTION 7. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

SECTION 8. Neither the city council, nor any member or committee, officer, or employee thereof, shall, except as otherwise provided in this act, directly or indirectly on behalf of the city or

of the county of Suffolk, take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee; nor in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the city council. The provisions of this section shall not affect the powers or duties of the city council as the successor of the present board of aldermen relative to state or military aid and soldiers' relief.

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission, directly or indirectly, to make a contract with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to make such contract in behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk: provided, however, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five per cent. of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the

contract in respect to which such violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. Chapter five hundred and twenty-two of the acts of the year nineteen hundred and eight is hereby repealed.

THE EXECUTIVE DEPARTMENT.

SECTION 9. All heads of departments and members of municipal boards, including the board of street commissioners, as their present terms of office expire (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council. They shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same, and (except the election commissioners, who shall remain subject to the provisions of existing laws) shall be appointed without regard to party affiliation or to residence at the time of appointment except as hereinafter provided.

SECTION 10. In making such appointments the mayor shall sign a certificate in the following form:

Certificate of Appointment.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a recognized expert in the work which will devolve upon him, and that I make the appointment solely in the interest of the city.

MAYOR.

Or in the following form, as the case may be:

Certificate of Appointment.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

MAYOR.

The certificate shall be filed with the city clerk, who shall thereupon forward a certified copy to the civil service commission. The commission shall immediately make a careful inquiry into the qualifications of the nominee under such rules as they may, with the consent of the governor and council, establish, and, if they conclude that he is a competent person with the requisite qualifications, they shall file with the city clerk a certificate signed by at least a majority of the commission that they have made a careful inquiry into the qualifications of the appointee, and that in their opinion he is a recognized expert, or that he is qualified by education, training or experience for said office, as the case may be, and that they approve the appointment. Upon the filing of this certificate the appointment shall become operative, subject however to all provisions of law or ordinance in regard to acceptance of office, oath of office, and the filing of bonds. If the commission does not within thirty days after the receipt of such notice file said certificate with the city clerk the appointment shall be void.

SECTION 11. The civil service commission is authorized to incur in carrying out the foregoing provisions such reasonable expense as may be approved by the governor and council; the same to be paid by the commonwealth, which upon demand shall be reimbursed by the city of Boston.

SECTION 12. A vacancy in any office to which the provisions of section nine of this act apply, shall be filled by the mayor under the provisions of said section and pending a permanent appointment he shall designate some other head of a department or member of a board to discharge the duties of the office temporarily.

SECTION 13. Members of boards shall be appointed for the terms established by law or by ordinance. Heads of departments shall be appointed for terms of four years beginning with the first day of May of the year in which they are appointed and shall continue thereafter to hold office during the pleasure of the mayor.

SECTION 14. The mayor may remove any head of a department or member of a board (other than the election commissioners who shall remain subject to the provisions of existing laws) by filing a written statement with the city clerk setting forth in detail the specific reason for such removal, a copy of which shall be

delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determine. The provisions of this section shall not apply to the school committee or to any official by law appointed by the governor.

SECTION 15. The positions of assistants and secretary authorized by section twenty of chapter four hundred and forty-nine of the acts of the year eighteen hundred and ninety-five, except those in the election department, are hereby abolished, and except as aforesaid the said section is hereby repealed.

The civil service laws shall not apply to the appointment of the mayor's secretaries, nor of the stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

SECTION 16. No official of said city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriation, except as provided in section six of this act. Any official who shall violate the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

THE FINANCE COMMISSION.

SECTION 17. Within sixty days after the passage of this act the governor with the advice and consent of the council shall appoint a finance commission to consist of five persons, inhabitants of and qualified voters in the city of Boston, who shall have been such for at least three years prior to the date of their appointment, one for the term of five years, one for four years, one for three years, one for two years, and one for one year, and thereafter as the terms of office expire in each year one member for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the governor with the advice and consent of the council. The members of said commission may be removed

by the governor with the advice and consent of the council for such cause as he shall deem sufficient. The chairman shall be designated by the governor. His annual salary shall be five thousand dollars, which shall be paid in monthly instalments by the city of Boston. The other members shall serve without pay.

SECTION 18. It shall be the duty of the finance commission from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court. The commission shall make an annual report in January of each year to the general court.

SECTION 19. Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the city treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

SECTION 20. The said commission is authorized to employ such experts, counsel, and other assistants, and to incur such other expenses as it may deem necessary, and the same shall be paid by said city upon requisition by the commission, not exceeding in the aggregate in the year the sum of twenty-five thousand dollars, or such additional sums as may be appropriated for the purpose by the city council and approved by the mayor. A sum sufficient to cover the salary of the chairman of the commission and the further sum of at least twenty-five thousand dollars to meet the expenses as aforesaid shall be appropriated each year by said city. The commission shall have the same right to incur expenses in anticipation of its appropriation as if it were a regular department of said city.

SECTION 21. For the purpose of enabling the said commission to perform the duties and carry out the objects herein contemplated, and to enable the mayor, the city council, the governor or the general court to receive the reports and findings of said com-

mission as a basis for such laws, ordinances, or administrative orders as may be deemed meet, the commission shall have all the powers and duties enumerated in chapter five hundred and sixty-two of the acts of the year nineteen hundred and eight and therein conferred upon the commission designated in said act; but counsel for any witness at any public hearing may ask him any pertinent question and may offer pertinent evidence through other witnesses subject to cross-examination by the commission and its counsel.

THE CITY CLERK.

SECTION 22. The present city clerk shall hold office for the term for which he has been elected, and thereafter until his successor is chosen and qualified. In the year nineteen hundred and eleven, and every third year thereafter, a city clerk shall be elected by a majority of the members of the city council, to hold office until the first Monday in February in the third year following his election, and thereafter until his successor has been duly chosen and qualified, unless sooner removed by due process of law. The city clerk shall act as clerk of the city council established by this act.

THE CITY AUDITOR.

SECTION 23. All accounts rendered to or kept in the departments of the city of Boston or county of Suffolk shall be subject to the inspection and revision of the city auditor, and shall be rendered and kept in such form as he shall prescribe. The auditor may require any person presenting for settlement an account or claim against the city or county to make oath before him in such force as he may prescribe as to the accuracy of such account or claim. The wilful making of a false oath shall be perjury and punishable as such. The auditors may disallow and refuse to pay, in whole or in part, any claim on the ground that it is fraudulent or unlawful and in that case he shall file a written statement of his reasons for the refusal.

SECTION 24. Whenever, in response to an advertisement by any officer or board of the city or county, a bid for a contract to do work or furnish materials is sent or delivered to said officer or board, a duplicate of the same shall be furnished by the bidder to the auditor, to be kept by him and not opened until after the

original bids are opened. After the original bids are opened, the auditor shall open and examine the bids submitted to him, and shall compare the same with the original bids. In case any of the bids submitted to the auditor differ from the corresponding original bids, those submitted to the auditor shall be treated as the original bids. The contract shall not be awarded until after both sets of bids are opened.

SECTION 25. The auditor shall furnish monthly to each head of department a statement of the unexpended balance of the appropriation for that department, and he shall furnish to the mayor and city council a statement of the unexpended balances of all the departments. He shall furnish quarterly to the city council an itemized statement showing the amount of money expended by the mayor and the city council for contingent expenses.

MISCELLANEOUS PROVISIONS.

SECTION 26. All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. No sinking fund shall be established for said loan. All bonds shall be offered for sale in such a manner that the effect of the premiums, if any, shall be to reduce the total amount of bonds issued. No city or county money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners of said city is an officer, director, or agent.

SECTION 27. Every officer and board in charge of a department of the city of Boston or county of Suffolk shall on or before the fifth day of May in each year prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the thirtieth day of April preceding. Such lists shall give the names, residence by street and wards, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls; and when verified the said lists shall be printed by the superintendent of printing as a city document.

SECTION 28. The jurisdiction now exercised by the board of aldermen concerning the naming of streets, the planting and removal of trees in the public ways, the issue of permits or licenses for coasting, the storage of gasoline, oil, and other inflammable substances or explosive compounds, and the use of the public ways for any permanent or temporary obstruction or projection in, under, or over the same, including the location of conduits, poles, and posts for telephone, telegraph, street railway or illuminating purposes, is hereby vested in the board of street commissioners, to be exercised by said board with the approval in writing of the mayor; and the mayor and city council shall have authority to fix by ordinance the terms by way of cash payment, rent, or otherwise, upon which permits or licenses for the storage of gasoline or oil, or other inflammable substances or explosive compounds and the construction or use of coal holes, vaults, bay windows, and mar- quises, in, under, or over the public ways shall be issued.

SECTION 29. Within ninety days after the passage of this act and thereafter there shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council and approved by the mayor, a paper to be known as the "City Record." All advertising, whether re- quired by law or not, with reference to the purchase or taking of land, contracts for work, materials, or supplies, the sale of bonds, or the sale of property for non-payment of taxes shall appear exclusively in said paper; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record.

SECTION 30. Every officer or board in charge of a department in said city, when authorized to erect a new building or to make structural changes in an existing building, shall make contracts therefor, not exceeding five, each contract to be subject to the ap- proval of the mayor; and when about to do any work or to make any purchase, the estimated cost of which alone, or in conjunction with other similar work or purchase which might properly be in-

cluded in the same contract, amounts to or exceeds one thousand dollars, shall, unless the mayor gives written authority to do otherwise, invite proposals therefor by advertisement in the City Record. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve the right to the officer or board to reject any or all proposals. No authority to dispense with advertising shall be given by the mayor unless the said officer or board furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting bids by advertisement.

SECTION 31. With the request of any department and with the approval of the mayor the board of street commissioners, in the name of the city, may take in fee for any municipal purpose any land within the limits of the city not already appropriated to public use. Whenever the price proposed to be paid for a lot of land for any municipal purpose is more than twenty-five per cent. higher than its average assessed valuation during the previous three years, said land shall not be taken by purchase but shall be taken by right of eminent domain and paid for in the manner provided for the taking of and the payment of damages for land for highways in said city. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two-thirds vote of all its members; or in case of land for school purposes by the school committee and schoolhouse department in accordance with law; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

SECTION 32. The first municipal election under this act shall take place on the first Tuesday after the second Monday in January in the year nineteen hundred and ten, and thereafter the regular municipal elections in each year in said city shall be held on the first Tuesday after the second Monday in January.

SECTION 33. The fiscal year in said city shall begin on February first and shall end on the thirty-first day of January next following; and the municipal year shall hereafter begin on the first

Monday in February and shall continue until the first Monday of the February next following. The present terms of office of members of the school committee are hereby extended to the first Monday of February in the years in which their terms respectively expire, and hereafter the terms of office of members of the school committee shall begin with the first Monday of February following their election. The members of the school committee hereafter shall meet and organize annually on the first Monday of February.

SECTION 34. In Boston, beginning with the current year, political committees shall be elected at the state primaries instead of at the municipal primaries.

CHARTER AMENDMENTS.

SECTION 35. At the state election on November second, nineteen hundred and nine, the then registered male voters of the city of Boston, shall be entitled to vote upon the following plans, which shall be printed upon the official ballot in the following form. The voter shall make a cross in the space at the right of the plan which he desires to have adopted. No ballot shall be counted upon which the voter has made a cross in both spaces.

Plan No. 1. The term of mayor to be two years; the city council to consist of one member from each ward (except wards twenty and twenty-four, which shall have two each) nominated in primaries and elected for two-year terms, and nine members elected at large for three-year terms; nominations for school committee, mayor, and councilmen-at-large to be made by independent nominations and by delegates elected by the voters in the primaries.



Plan No. 2. The term of mayor to be four years, subject to recall after two years by not less than a majority of all the voters in the city; the city council to consist of nine members elected at large for three-year terms; all nominations for a municipal election to be made by petition of not less than five thousand voters, without party designations on the ballot.



SECTION 36. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of the first plan, then sections thirty-seven to forty-three of this act, both inclusive, shall take effect and sections forty-five to sixty-one, both inclusive, shall be inoperative.

THE MAYOR.

SECTION 37. The mayor of the city of Boston shall be elected at large to hold office for the term of two years from the first Monday in February following his election and until his successor is chosen and qualified except as hereinafter provided.

SECTION 38. If a vacancy occurs in the office of mayor before the last nine months of the term of office, the city council shall order an election for a mayor to serve for the unexpired term; and if such vacancy occurs in the last nine months of said term, the president of the city council shall act as mayor. In case of the decease, disability, absence, or resignation of the mayor, and whenever there is a vacancy in the office from any cause, the president of the city council shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties they shall be performed by such member of the city council as that body may elect and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor," and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

THE CITY COUNCIL.

SECTION 39. There shall be elected in said city a city council of thirty-six members, nine of whom shall be elected at large in the city, and twenty-seven of whom shall be elected by wards as hereinafter provided. At the first municipal election under this act and at each regular municipal election thereafter (when there is to be a mayor elected for two years) the registered voters of each ward, except of ward twenty and twenty-four, shall elect one qualified voter of such ward as a member of said council from said ward for the term of two years and at said election the registered voters of wards twenty and twenty-four, respectively, shall

elect two qualified voters of their respective wards as members of said council for the term of two years. At the first election under this act there shall also be elected at large in said city nine members of said city council. No voter shall vote for more than five of said candidates to be elected at large, and the nine candidates receiving the highest number of votes shall be declared elected. The three candidates for membership at large receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons should receive an equal number of votes, any such person senior in age shall be deemed to have received a larger number of votes than a person his junior in age for the purpose of determining the length of term to which any such person has been elected. The person oldest in years shall be deemed elected to the longer term, and the persons next oldest in years shall be deemed elected for the shorter terms respectively. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years, but no voter shall vote for more than two candidates and the three candidates receiving the highest number of votes shall be declared elected. All said terms shall begin with the first Monday of February following the election.

SECTION 40. Each member of the city council elected as representative of a ward shall be paid an annual salary of one thousand dollars and each member elected at large shall receive an annual salary of fifteen hundred dollars. No other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

SECTION 41. The city council shall be the judge of the election and qualification of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from time to time establish rules for its proceedings; and shall, when a vacancy occurs in the office of any member elected at large, elect by vote of a majority of all the members, a registered voter of said city to fill

the vacancy for the remainder of the municipal year. The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, and the city council shall order such vacancy to be filled at such election, unless the vacancy occurs within two months prior to a regular municipal election, in which event the city council shall forthwith order a special election to fill the vacancy of the unexpired term. If within a period of one year after a regular municipal election a vacancy shall occur in the office of a member elected from a ward, the city council shall order a special election in said ward to fill such vacancy for the unexpired term. A majority of the members of the council shall constitute a quorum for the transaction of business. The member oldest in years shall preside until the president is chosen and in case of the absence of the president until a presiding officer is chosen.

SECTION 42. All elections by the city council under any provisions of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

NOMINATIONS AND ELECTIONS.

SECTION 43. The primaries in Boston preceding the regular city election in any year shall be held on the sixth Thursday preceding the city election. At such primaries the registered voters of the various political parties of each ward shall nominate qualified voters of such ward to be candidates for election as representatives of said ward in the city council. There shall also be elected at said primaries delegates to conventions to be called and held on the eighth day after the primaries before the city election. The delegates so elected shall in such convention nominate candidates for election to the school committee, candidates for election at large to the city council, and, in the years when a mayor is to be elected, candidates for election as mayor. Certificate of the nominations made by such conventions shall be filed on or before the twelfth day after the primaries. Nomination papers in each year shall be

issued by the board of election commissioners on and after but not before the day next following the state election.

The provisions of law relating to nominations, election officers, voting places for elections, election apparatus and blanks, calling and conduct of primaries, caucuses and elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to the primaries and to nominations and elections for the purpose of carrying out the provisions of this section so far as the same are not inconsistent herewith. The board of election commissioners shall have the same powers and duties, where not inconsistent with the provisions of this act in relation to nominations, nomination papers, preparing and printing ballots, preparing for and conducting primaries, caucuses, counting, recounting, tabulating and determining the votes cast under the provisions of this act, certification of candidates and all other matters relating to elections, which they have now in relation to municipal elections in said city. The members of the board of street commissioners to be appointed by the mayor as provided in this act shall be appointed from the two leading political parties, so that each of said two leading political parties shall be represented thereon.

ALTERNATIVE CHARTER AMENDMENTS.

SECTION 44. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of the second or alternative plan, then sections forty-five to sixty-one of this act, both inclusive, shall take effect and sections thirty-seven to forty-three both inclusive, shall be inoperative.

THE MAYOR.

SECTION 45. The mayor of the city of Boston shall be elected at large to hold office for the term of four years from the first Monday in February following his election and until his successor is chosen and qualified except as hereinafter provided.

SECTION 46. The secretary of the commonwealth (unless notified as hereinafter provided) shall cause to be printed at the end of the official ballot to be used in the city of Boston at the State election in the second year of the mayor's term the following ques-

tion: Shall there be an election for mayor at the next municipal election, with the words Yes and No at the right of the question and sufficient squares in which each voter may designate by a cross his answer to such question. If a majority of the qualified voters registered in said city for said state election shall vote in the affirmative on such question, there shall be an election for mayor in said city at the municipal election held in January next following said election, and the same shall be conducted, and the result thereof declared in all respects as are other city elections for mayor, except that the board of election commissioners shall place on the official ballot for said election without nomination the name of the person then holding the office of mayor (other than an acting mayor), unless in writing he shall request otherwise. The mayor then elected shall hold office for four years, subject to recall at the end of two years as provided in this section. If said question is not answered in the affirmative by the vote aforesaid no election for mayor shall be held and the mayor shall continue to hold office for his unexpired term. If prior to October first in the said second year of his term the mayor shall file with the secretary of the commonwealth a written notice that he does not desire said question to appear upon the ballot of said state election it shall be omitted; his term of office shall expire on the first Monday of February following; and there shall be an election for mayor in said city at the municipal election held in January next following said state election, and at such municipal election the mayor's name shall not be placed on the official ballot unless he is nominated in the manner provided in section fifty-three of this act.

SECTION 47. If a vacancy occurs in the office of mayor within two months prior to a regular municipal election other than an election for mayor, or within four months after any regular municipal election, the city council shall forthwith order a special election for a mayor to serve for the unexpired term, subject if the vacancy occurs in the first or second year of the mayor's term, to recall under the provisions of the preceding section. If such vacancy occurs at any other time there shall be an election for mayor at the municipal election held in January next following, for the term of four years, subject to recall as aforesaid. In the case of the decease, inability, absence or resignation of the mayor,

and whenever there is a vacancy in the office from any cause, the president of the city council while said cause continues or until a mayor is elected shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties, they shall be performed until the mayor or president of the city council returns or is able to attend to said duties by such member of the city council as that body may elect, and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

THE CITY COUNCIL.

SECTION 48. There shall be elected at large in said city a city council consisting of nine members. At the first election under this act there shall be elected nine members of said city council. No voter shall vote for more than nine. The three candidates receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons elected should receive an equal number of votes, those who are the seniors by age shall, for the division into classes hereby required, be classified as if they had received the largest number of votes in the order of age. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years. No voter shall vote for more than three. All said terms shall begin with the first Monday of February following the election.

SECTION 49. Each member of the city council shall be paid an annual salary of fifteen hundred dollars; and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

SECTION 50. The city council shall be the judge of the election and qualification of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from

time to time establish rules for its proceedings, and shall, when a vacancy occurs in the office of any member, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year. The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, unless the vacancy occurs within two months prior to such municipal election, in which event the city council shall forthwith order a special election to fill the vacancy for the unexpired term. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen.

SECTION 51. All elections by the city council under any provision of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other private officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

SECTION 52. No primary election or caucus for municipal offices shall be held hereafter in the city of Boston, and all laws relating to primary elections and caucuses for such offices in said city are hereby repealed.

SECTION 53. Any male qualified registered voter in said city may be nominated for any municipal elective office in said city, and his name as such candidate shall be printed on the official ballot to be used at the municipal election: provided, that at or before five o'clock P. M. of the twenty-fifth day prior to such election nomination papers prepared and issued by the election commissioners signed in person by at least five thousand registered voters in said city qualified to vote for such candidate at said election shall be filed with said election commissioners, and the signatures on the same to the number required to make a nomination are subsequently certified by the election commissioners as hereinafter provided. Said nomination papers shall be in substantially the following form:

COMMONWEALTH OF MASSACHUSETTS.

CITY OF BOSTON.

Nomination Paper.

The undersigned, registered voters of the city of Boston, qualified to vote for a candidate for the office named below, in accordance with law, make the following nomination of candidates to be voted for at the election to be held in the city of Boston on January 19 .

NAME OF CANDIDATE. (Give first or middle name in full.)	OFFICE FOR WHICH NOMINATED.	RESIDENCE. (Street and number, if any.)
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(Signatures and Residences of Nominators.)

We certify that we have not subscribed to more nominations of candidates for this office than there are to be persons elected thereto. In case of the death, withdrawal or incapacity of any of the above nominees, after written acceptance filed with the board of election commissioners, we authorize (names of a committee of not less than five persons), or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

SIGNATURES OF NOMINATORS. (To be made in person.)	Residence May 1. (Or, as the case may be, April 1.)	Present Ward. Prec. Residence.
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ACCEPTANCE OF NOMINATION.

We accept the above nominations.

(Signature of Nominees.)

Commonwealth of Massachusetts,
Suffolk, ss.:

Boston, 19..

There personally appeared who, I am satisfied, is one of the signers of the within nomination paper, and made oath that the statements therein contained are true to the best of his knowledge and belief and that his post office address is

Before me,

.....

Justice of the Peace.

SECTION 54. If a candidate nominated as aforesaid dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by a committee of not less than five persons, or a majority thereof, if such committee be named, and so authorized in the nomination papers. Nomination papers shall not include candidates for more than one office except that not more than three or nine, as the case may be, candidates for city council may be included in one nomination paper, and not more than two candidates for school committee shall be included in one nomination paper. Every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto and no more. Nomination papers in each year shall be issued by the board of election commissioners on and after but not before the day next following the state election.

SECTION 55. Women who are qualified to vote for a member of the school committee may be nominated as and sign nomination papers for candidates for that office in the manner and under the same provisions of law as men.

SECTION 56. The names of candidates appearing on nomina-

tion papers shall when filed be a matter of public record; but the nomination papers shall not be open to public inspection until after certification. After such nomination papers have been filed, the election commissioners shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same. They need not certify a greater number of names than are required to make a nomination, with one-fifth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid. The election commissioners shall complete such certification on or before five o'clock P. M. on the sixteenth day preceding the city election. Such certification shall not preclude any voters from filing objections as to the validity of the nomination. All withdrawals and objections to such nominations shall be filed with the election commissioners on or before five o'clock P. M. on the fourteenth day preceding the city election. All substitutions to fill vacancies caused by withdrawal or ineligibility shall be filed with the election commissioners on or before five o'clock P. M. on the twelfth day preceding the city election.

SECTION 57. The name of each person who is nominated in compliance with law, together with his residence and the title and term of the office for which he is a candidate shall be printed on the official ballot at the municipal election, and the names of no other candidates shall be printed thereon. The names of candidates for the same office shall be printed upon the official ballot in the order in which they may be drawn by the board of election commissioners, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present thereat personally or by one representative.

SECTION 58. No ballot used at any annual or special municipal election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

SECTION 59. On ballots to be used at annual or special municipal elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be

elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

SECTION 60. All laws not inconsistent with the provisions of this act, governing nomination papers and nomination for, and elections of municipal officers in the city of Boston, shall so far as they may be applicable, govern the nomination papers, nominations and elections provided for in this act. The board of election commissioners shall be subject to the same penalty and shall have the same powers and duties where not inconsistent with the provisions of this act, in relation to nomination papers, preparing and printing ballots, preparing for and conducting elections and counting, tabulating and determining the votes cast under the provisions of this act, as they have now in relation to municipal elections in said city.

SECTION 61. The provisions of this act shall apply to any special municipal election held after the year nineteen hundred and nine in the city of Boston, except that nomination papers for offices to be filled at such elections shall be issued by the election commissioners on and after the day following the calling of said special election. Every special municipal election shall be held on a Tuesday not less than sixty days nor more than ninety days after the date of the order calling such special election.

SECTION 62. All acts and parts of acts so far as inconsistent with this act are hereby repealed; all ordinances and parts of ordinances so far as inconsistent with this act are hereby annulled; and all acts and parts of acts affecting the city of Boston not inconsistent with the provisions of this act are continued in force; provided, however, that the provisions of chapter four hundred and forty of the acts of the year nineteen hundred and nine shall not apply to any election held hereunder prior to the first day of April in the year nineteen hundred and ten.

SECTION 63. Sections one to fourteen, both inclusive, and sections twenty-seven, twenty-eight and thirty-one of this act shall take effect on the first Monday of February in the year nineteen hundred and ten, excepting that so much of section one as is included in the first two sections thereof, to and including the word "respectively," shall take effect upon the passage of this act; sections sixteen and twenty-three of this act shall take

effect thirty days after the passage of the same; section thirty shall take effect ninety days after the passage of this act; and sections fifteen, seventeen to twenty-two, both inclusive, twenty-four to twenty-six, both inclusive, twenty-nine, thirty-two to thirty-six, both inclusive, forty-four and sixty-two shall take effect upon the passage of this act.

REPUBLICAN STATE COMMITTEE OF MASSACHUSETTS,

KIMBA 11 BUILDING, 18 TREMONT ST.

Boston, July 13, 1909.

George H. Doty, Chairman.

Henry F. Ripley, Asst. Secretary.

H. Clifford Gallagher, Treasurer.

Henry P. Field, Executive Com.

Charles E. Hatfield, Chairman Finance Com.

Charles S. Groves, Executive Secretary.

HENRY SEILHEIMER, Esq., *Parker House, Boston, Mass.:*

DEAR SIR.—In accordance with the verbal request of the chairman and counsel of the Committee of the New York Legislature, appointed to investigate Direct Primary and Election Laws, I have the honor to enclose herewith a tabulation of the number of registered voters in Massachusetts at the State elections in 1907 and 1908, with the percentage of vote cast in each of those years.

Very truly yours,

CHAS. S. GROVES.

MASSACHUSETTS.

CITIES.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Beverly	3,367	59	3,627	83.0
Boston	110,266	78	110,382	....
Brockton	10,230	71	10,749	86.0
Cambridge	15,903	69	16,103	82.0
Chelsea	5,993	77	5,201	87.0
Chicopee	2,897	73	2,978	80.0
Everett	4,958	57	5,276	81.0
Fall River	14,543	77	15,041	86.0
Fitchburg	5,387	75	5,503	85.7
Gloucester	5,026	81	4,061	79.9
Haverhill	7,492	55	7,809	81.0
Holyoke	7,631	57	6,827	86.6
Lawrence	11,670	68	11,789	83.6
Lowell	14,651	69	15,264	89.0
Lynn	14,235	69	15,198	82.2
Malden	6,898	73	7,227	87.7
Marlborough	3,308	87	3,387	96.0
Medford	3,859	66	4,173	82.2
Melrose	3,039	78	3,190	89.9
New Bedford	10,891	71	11,268	81.8
Newburyport	3,233	65	3,249	79.9
Newton	6,375	62	6,691	89.0
North Adams	3,474	74	3,546	86.8
Northampton	3,158	75	3,275	89.6
Pittsfield	5,433	69	5,857	87.1
Quincy	5,222	70	5,693	88.7
Salem	7,720	71	7,741	83.6
Somerville	11,365	68	12,723	85.9
Springfield	13,492	70	14,123	83.0
Taunton	6,163	66	6,351	86.3
Waltham	5,247	84	5,386	90.1
Woburn	3,105	62	3,175	80.2
Worcester	22,647	65	24,052	86.8

TOWNS WITH TWO OR MORE VOTING PLACES.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Abington	1,244	78	1,315	85.6
Acton	453	62	475	81.0
Agawam	553	55	613	82.2
Andover	1,331	74	1,397	86.2
Athol	1,562	60	1,779	81.3
Attleborough	2,456	70	2,690	85.0
Barnstable	1,100	61	1,179	86.3
Belmont	749	74	837	85.7
Billerica	645	67	655	86.8
Blackstone	1,049	76	1,050	88.0
Bourne	471	59	513	80.5
Boxford	156	48	163	74.0
Braintree	1,403	57	1,539	85.2
Brookfield	478	61	469	74.8
Chelmsford	828	70	867	84.4
Concord	995	70	1,068	86.6
Deerfield	412	55	413	77.2
Dennis	582	53	565	60.9
Easton	1,021	52	1,047	74.5
Erving	246	58	244	80.7
Falmouth	750	64	742	83.0
Framingham	2,744	87	2,803	83.6
Freetown	253	55	271	67.1
Gardner	2,290	62	2,404	84.9
Gill	134	67	155	76.7
Great Barrington..	1,282	81	1,346	90.0
Groveland	529	42	546	90.4
Hardwick	435	60	461	75.0
Leicester	655	75	693	88.0
Lynnfield	208	68	217	83.4
Methuen	1,531	60	1,720	83.3
Middleborough	1,427	57	1,505	74.8
Montague	1,259	64	1,266	82.1

TOWNS WITH TWO OR MORE VOTING PLACES.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Natick	2,517	87	2,541	91.1
North Andover ...	911	60	945	85.7
Palmer	1,120	64	1,204	84.8
Peabody	2,695	72	2,816	86.9
Pepperell	613	53	655	78.9
Revere	2,940	68	3,132	78.1
Rockland	1,707	45	1,774	74.7
Rockport	1,045	53	1,007	81.1
Royalston	185	40	185	67.0
Saugus	1,349	65	1,409	86.1
Somerset	397	50	428	75.9
South Hadley	787	73	817	91.5
Sutton	423	63	456	79.8
Templeton	705	52	746	81.0
Truro	141	54	139	79.1
Wakefield	2,354	84	2,391	91.2
Warren	667	63	722	81.0
Wayland	549	70	558	85.5
West Springfield...	1,410	59	1,513	77.7
Westford	443	70	451	87.3
Weymouth	2,681	57	2,782	83.0
Williamsburg	396	73	415	87.0
Yarmouth	384	70	392	80.6

EXHIBIT NO. 1.

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Acushnet	238	44	232	61.2
Adams	1,712	83	1,886	84.0
Alford	59	81	64	92.1
Amesbury	1,880	60	1,920	81.2

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Amherst	995	48	1,039	79.0
Arlington	1,764	68	1,889	87.2
Ashburnham	391	63	381	84.0
Ashby	216	40	229	76.0
Ashfield	230	51	228	81.1
Ashland	383	82	398	89.1
Auburn	355	67	400	89.0
Avon	405	63	405	80.8
Ayer	608	55	602	84.5
Barre	377	64	402	76.3
Becket	194	43	208	80.2
Bedford	205	56	265	80.0
Belchertown	308	46	379	68.6
Bellingham	256	48	261	75.4
Berkley	189	42	187	65.0
Berlin	203	62	212	82.0
Bernardston	177	63	171	81.8
Blandford	174	32	163	59.0
Bolton	154	51	147	78.2
Boxborough	61	70	69	78.3
Boylston	125	56	140	75.7
Brewster	231	45	223	57.8
Bridgewater	916	58	923	83.5
Brimfield	163	42	180	75.0
Brookline	4,447	76	4,731	83.6
Buckland	386	51	400	78.0
Burlington	147	47	150	90.0
Canton	960	60	1,011	77.0
Carlisle	131	52	135	92.9
Carver	183	37	188	52.6
Charlemont	233	64	236	86.4
Charlton	410	44	408	75.2
Cheshire	303	81	305	80.3

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Chester	294	55	313	60.3
Chesterfield	163	46	169	76.8
Chilmark	111	33	111	70.1
Clarksburg	163	52	182	88.4
Clinton	2,477	80	2,547	88.5
Cohasset	630	73	660	73.3
Colrain	286	40	294	82.3
Conway	203	65	310	81.3
Cummington	183	57	185	71.3
Dalton	734	63	735	81.6
Dana	184	26	189	64.3
Danvers	1,783	55	1,950	83.2
Dartmouth	630	33	719	48.4
Dedham	1,641	67	1,710	86.0
Dighton	342	35	341	68.6
Douglas	431	89	442	92.0
Dover	125	56	140	73.5
Dracut	604	57	712	73.7
Dudley	542	76	560	83.2
Dunstable	76	59	79	88.6
Duxbury	429	46	429	54.7
East Bridgewater	678	39	717	69.8
East Longmeadow	207	44	217	82.0
Eastham	140	65	135	64.4
Easthampton	1,216	65	1,251	83.4
Edgartown	303	50	301	69.4
Egremont	181	75	187	88.7
Enfield	204	62	204	81.8
Essex	431	51	433	79.4
Fairhaven	758	54	774	77.1
Florida	82	56	84	69.0
Foxborough	657	56	638	73.9
Franklin	903	58	973	84.6

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Gay Head	43	62	43	84.1
Georgetown	438	68	504	84.3
Goshen	67	64	66	78.7
Gosnold	31	38	38	81.5
Grafton	814	74	879	86.1
Granby	149	57	146	76.7
Granville	192	38	201	62.6
Greenfield	1,956	60	2,148	81.1
Greenwich	112	35	116	67.2
Groton	445	53	459	81.0
Hadley	357	37	351	71.7
Halifax	91	45	101	78.2
Hamilton	315	67	352	79.0
Hampden	142	56	136	67.0
Hancock	107	62	105	89.5
Hanover	465	34	493	68.6
Hanson	320	37	320	55.3
Harvard	233	42	240	73.0
Harwich	551	52	559	61.4
Hatfield	335	33	340	76.5
Hawley	99	35	91	66.0
Heath	107	38	91	66.0
Hingham	1,064	63	1,087	71.7
Hinsdale	256	71	247	90.0
Holbrook	611	59	664	86.7
Holden	409	83	421	77.6
Holland	38	47	40	80.0
Holliston	615	74	649	84.3
Hopedale	521	88	523	93.8
Hopkinton	677	78	689	88.0
Hubbardston	256	46	262	71.0
Hudson	1,339	78	1,418	89.4
Hull	327	59	324	69.4

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Huntington	303	60	317	80.7
Hyde Park	2,708	64	2,847	87.2
Ipswich	953	75	948	80.5
Kingston	440	64	454	73.3
Lakeville	175	27	189	57.1
Lancaster	336	51	353	74.2
Lanesborough	174	53	182	75.8
Lee	1,004	53	1,034	82.9
Lenox	641	51	691	80.7
Leominster	2,752	71	2,914	88.2
Leverett	153	30	156	51.0
Lexington	880	81	978	86.2
Leyden	87	49	86	72.0
Lincoln	233	61	254	73.6
Littleton	265	54	267	83.1
Longmeadow	197	61	208	86.5
Ludlow	418	50	487	85.3
Lunenburg	249	50	270	73.5
Manchester	588	68	605	86.6
Mansfield	1,025	48	1,056	70.2
Marblehead	2,024	78	2,065	74.5
Marion	269	39	277	64.6
Marshfield	443	34	454	50.0
Mashpee	89	65	93	63.4
Mattapoisett	286	46	283	71.3
Maynard	932	88	921	91.5
Medfield	343	63	373	79.0
Medway	623	46	652	68.7
Mendon	205	57	209	82.7
Merrimac	446	64	446	85.4
Middlefield	66	57	66	68.1
Middleton	217	46	219	72.6
Milford	2,282	73	2,385	89.5

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Millbury	827	66	879	85.7
Millis	333	61	250	83.2
Milton	1,409	61	1,473	89.5
Monroe	58	31	52	73.0
Monson	785	62	829	85.8
Monterey	75	73	97	84.5
Montgomery	60	50	63	73.0
Mt. Washington	17	13	15	100.0
Nahant	311	66	326	71.8
Nantucket	730	78	758	86.0
Needham	852	59	881	83.6
New Ashford	30	60	30	83.3
New Braintree	101	54	103	70.0
New Marlborough	260	36	278	86.3
New Salem	128	33	146	64.3
Newbury	367	43	400	76.7
Norfolk	204	37	225	64.0
North Attleboro	1,808	55	1,850	78.1
North Brookfield	583	69	589	80.8
North Reading	185	58	210	87.6
Northborough	379	64	392	87.0
Northbridge	1,039	73	1,109	92.1
Northfield	360	42	363	71.7
Norton	416	30	440	61.3
Norwell	350	35	366	62.3
Norwood	1,419	76	1,475	84.3
Oak Bluffs	225	50	236	75.4
Oakham	134	49	134	64.1
Orange	1,371	60	1,379	85.0
Orleans	254	51	243	63.0
Otis	128	40	127	82.0
Oxford	535	58	583	84.9
Paxton	86	57	90	78.8

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Pelham.	87	39	89	67.4
Pembroke.	311	35	313	63.9
Peru.	65	72	62	90.3
Petersham.	182	58	181	74.0
Phillipston.	83	37	100	65.0
Plainfield.	102	46	107	75.7
Plainville.	261	60	300	84.3
Plymouth.	2,053	66	2,224	84.0
Plympton.	127	41	142	60.5
Prescott.	83	27	87	75.8
Princeton.	212	39	204	68.6
Provincetown.	607	49	702	57.5
Randolph.	947	68	959	84.6
Raynham.	200	34	285	73.6
Reading.	1,296	76	1,348	87.8
Rehoboth.	317	22	329	53.2
Richmond.	112	36	120	75.0
Rochester.	194	25	187	57.7
Rowe.	100	46	103	74.7
Rowley.	352	79	340	85.0
Russell.	151	45	166	72.3
Rutland.	215	49	226	74.7
Salisbury.	413	48	410	75.6
Sandisfield.	140	47	144	80.5
Sandwich.	341	78	368	87.0
Savoy.	118	48	124	83.0
Scituate.	668	34	701	50.3
Seekonk.	293	21	323	56.6
Sharon.	464	81	461	87.4
Sheffield.	387	75	390	88.4
Shelburne.	346	67	385	85.7
Sherborn.	216	73	215	79.0
Shirley.	299	52	297	75.7

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Shrewsbury.	419	60	443	73.1
Shutesbury	76	32	75	48.0
Southampton	170	64	160	85.0
Southborough. . . .	344	622	365	92.9
Southbridge	1,843	73	1,970	87.0
Southwick.	228	40	238	73.1
Spencer.	1,407	73	1,478	66.3
Sterling.	303	59	312	80.7
Stockbridge	458	64	489	76.0
Stoneham.	1,565	85	1,619	79.4
Stroughton.	1,350	81	1,398	90.2
Stow	203	55	226	73.0
Sturbridge.	353	58	401	82.5
Sudbury.	257	44	247	83.4
Sunderland.	152	58	149	82.5
Swampscott.	1,179	63	1,247	83.5
Swansee.	379	47	387	73.1
Tewksbury.	293	56	323	88.8
Tisbury.	273	57	275	85.8
Tolland.	51	21	48	70.8
Topsfield	259	50	260	70.4
Townsend.	415	52	443	76.9
Tyngsborough. . . .	130	58	137	83.2
Tyringham	97	71	107	85.0
Upton.	472	68	492	88.2
Uxbridge	665	81	760	89.0
Wales.	145	50	123	70.7
Walpole.	849	62	837	83.3
Ware	1,238	75	1,264	88.0
Wareham.	787	31	819	60.4
Warwick.	87	34	82	75.6
Washington.	72	39	72	72.2
Watertown.	2,710	72	2,419	90.8

TOWNS WITH BUT ONE VOTING PLACE.	1907. Registered number of voters.	1907. Percentage of votes cast.	1908. Registered number of voters.	1908. Percentage of votes cast.
Webster.	1,851	77	1,917	80.3
Wellesley.	853	49	931	82.1
Wellfleet.	288	47	314	55.4
Wendell.	124	34	129	66.6
Wenham.	228	58	247	85.4
West Boylston	207	48	225	76.8
West Bridgewater..	390	41	470	71.9
West Brookfield ..	299	55	325	72.9
West Newbury . . .	368	70	399	83.4
West Stockbridge..	252	67	281	80.0
West Tisbury	106	56	112	86.6
Westborough.	916	71	969	94.5
Westfield.	2,686	80	2,762	87.8
Westhampton.	100	40	90	67.7
Westminster.	310	58	313	81.7
Weston.	369	72	410	86.6
Westport.	482	45	490	61.6
Westwood.	214	65	222	76.1
Whately	191	44	194	67.0
Whitman.	1,549	59	1,664	84.4
Wilbraham	296	36	273	70.0
Williamstown.	810	55	844	86.2
Wilmington.	283	47	306	81.7
Winchendon.	1,098	73	1,140	90.5
Winchester.	1,444	67	1,531	84.8
Windsor.	115	66	115	74.7
Winthrop.	1,794	78	2,044	80.2
Worthington.	146	43	141	66.6
Wrentham.	335	52	346	67.6

ACTS 1907, CHAPTER 560, SECTIONS 120 TO 126, INCLUSIVE.

SECTION 120. Nominations of candidates for elective offices, for delegates to a convention, for caucus officers, for a ward, or town committee, and in the Suffolk senatorial districts for members of a state committee, to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward or town shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward or town in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper in Boston, and no nomination paper in any other city or town except for a delegate or delegates to a convention, shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates in Boston, and no such vacancy in any other city or town, except for a delegate or delegates to a convention, shall be filled in the manner provided by law, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

SECTION 121. The nomination paper for an elective office shall give the name of the candidate, the street and number, if any, of his residence, and may, in not more than eight words, state his occupation, the public offices he has held or that he is a candidate for renomination, provided that much be the fact.

The nomination paper of a candidate for a caucus office, for a ward or town committee or for a member of a state committee shall state the street and number, if any, of his residence.

There may be added to the name of a person proposed as a dele-

gate to a convention, a statement of not more than eight words that he is favorable to, or is pledged to support, or oppose, any person for an office to be filled, or is favorable to, or opposed to any public measure, or is uncommitted.

If, under the provisions of this section, any delegate or set of delegates is described in a nomination paper as favorable to, or pledged to support, any person for an office to be filled, such person may, within two week days after the announcement thereof, file with the secretary of the city or town committee a written request to have said statement stricken from the nomination paper, and the secretary shall do the same forthwith, and said nomination paper shall thereupon be void and of no effect.

SECTION 122 (*as effected by section 147 of said chapter*).— In Boston, all nomination papers shall be sealed up and filed in the office of the secretary of the city committee of the party making the nominations not less than fourteen week days prior to the day upon which the primary is to be held for which the nominations are made and the secretary shall endorse upon them the time at which they are received by him. They shall not be opened until the time for their filing has expired, when the secretary at his office, shall publicly open them and publicly announce the nominations therein made.

SECTION 123. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two weeks days after the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

SECTION 124. If, in a city, nomination papers placing persons in nomination for all offices to be filled at a caucus in any ward are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee, which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members of the committee who agree to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. If, at the expiration of two week days after the time

at which nomination papers were opened, proper nomination papers have not been filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except at a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

SECTION 125. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

SECTION 126. A person who is nominated by a nomination paper may, within forty-eight week-day hours succeeding 5 o'clock of the day fixed for opening nomination papers, withdraw his name from nomination by a request in writing signed by him with his own hand and filed with the secretary of the city or town committee. Thereupon, the secretary shall immediately give notice of such withdrawal and of the provisions of this section to the persons who filed such nomination paper, and such person may, within twenty-four week-day hours succeeding 5 o'clock of the last day fixed for making withdrawals, present a new name on a nomination paper signed by himself with his own hand; otherwise the chairman and secretary of the city or town committee may file nomination papers for the vacancy.

1908.

CITY OF BOSTON.

NOMINATION PAPER.

INDEPENDENCE LEAGUE PARTY.

Prepared by the Election Commissioners of Boston for the
..... District.

FOR REPRESENTATION IN GENERAL COURT.

Under acts 1907, chapter 560, section 120, nominations must

be made upon these particular blanks and no nomination paper can be received, or is valid, if any card, paper or other device is attached thereto.

No nomination paper is valid in respect to any candidate whose written acceptance is not thereon.

Nomination papers must not contain a larger number of names of candidates than there are persons to be elected.

In addition to the name of the candidate for an elective office shall be given the street and number, if any, of his residence, and there may be stated his occupation, the public offices he has held, or that he is a candidate for renomination, provided that such is the fact. Any statement of this nature shall be embodied in not exceeding eight words, to be inserted in the space below the name.

(Names and residences must be plainly written.)

NAME OF CANDIDATE.	Residence, May 1.
1.
2.
3.

(Statement, if any, to be inserted here.)

.
.
.

ACCEPTANCE.

I accept the above nomination.

.
.
.
.

The undersigned, registered voters of the Independence League party in Boston, in the _____ Representative district, nominate the above-named person as representative from said district in the general court.

SIGNATURES OF NOMINATORS.	Residence May 1.	Precincts.
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

This paper must be signed in person by at least five registered voters of the Independence League party in the ward in which the representative is to be elected, except in District 4, composed of Wards 4 and 5, where this paper must be signed in person by at least ten such registered voters.

This paper must be filed in the office of the secretary of the Independence League City Committee, 294 Washington street, Room 348, prior to 9 o'clock p. m., Saturday, September 5, 1908.

CITY OF BOSTON,
NOMINATION PAPER,
INDEPENDENCE LEAGUE PARTY.

REPRESENTATIVE IN GENERAL COURT.

District
Filed September, 1908, by
....., residence,, at
..... o'clock, M.

Secretary.

The several wards are entitled to representatives as follows:

District 1, Ward 1.....	2	District 14, Ward 14.....	2
2, 2.....	2	15, 15.....	2
3, 3.....	2	16, 16.....	2
4, 4-5.....	3	17, 17.....	2
6, 6.....	2	18, 18.....	2
7, 7.....	1	19, 19.....	2
8, 8.....	2	20, 20.....	3
9, 9.....	2	21, 21.....	2
10, 10.....	2	22, 22.....	2
11, 11.....	2	23, 23.....	2
12, 12.....	2	24, 24.....	3
13, 13.....	2	25, 25.....	2

RECOUNT PETITION.

PRIMARY.

Ward
Date of primary
Political party
Office
Filed by
Date and hour of recount
Recount

.....
.....

Clerks.

Boston,, 190...

To the BOARD OF ELECTION COMMISSIONERS, *Room 1, Old Court House, Boston:*

We, the undersigned registered voters of Ward
represent that we have reasons to believe and do believe that the

returns of the election officers of said ward of the votes cast at
the PRIMARY on , 190....., for
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are erroneous, in this respect: That
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were credited with more, and,
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with less votes than were actually cast for them; and we believe
a recount of the votes cast in the several precincts of said ward
will affect the nomination or election of one or more candidates at
such primary. We, therefore, ask that the votes cast for said
.....
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be recounted.

THIS PETITION MUST BE SIGNED IN PERSON BY FIFTY REGISTERED
VOTERS OF THE WARD.

NAME.	Residence May 1.	Precinct.
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3.
4.
5.
6.
7.
8.

NAME.	Residence May 1.	Precinct.
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43.
44.

NAME.	Residence May 1.	Precinct.
45.
46.
47.
48.
49.
50.
51.
52.
53.
54.
55.

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, ss.:

BOSTON,, 190..

Then personally appeared
.....

one of the above subscribers, and made oath that the above state-
ment by him subscribed, is true, to the best of his knowledge,
information and belief, before me.

.....,
Justice of the Peace.

FOURTH SESSION — July 26, 1909.

BOARD OF EDUCATION ROOM, CITY HALL.

PHILADELPHIA, PA., *Monday, July 26, 1909.*
2 o'clock p. m.

Mr. KNAPP: Whenever you are ready we will proceed with
the work.

Chairman MEADE: Go ahead.

Mr. KNAPP: We are indebted to the officials of the city of
Philadelphia for the use of this room and particularly to the Board

of Education which has tendered it to us, this being the Board of Education room.

Chairman MEADE: Notice of all appearances, judge.

Mr. KNAPP: Senators Meade and McCarren, Assemblymen Phillips, Howard, Conklin and Fay, and Knapp as counsel; Secretary Sellheimer, Sergeant-at-arms Haggerty and Stenographer Lammert.

I present first a copy of the Uniform Primaries Act of 1906 — copy furnished me this morning by the secretary of the Commonwealth.

The first witness I present is Mr. J. Henry Scattergood of the board of registration.

J. HENRY SCATTERGOOD:

Examined by Counsel KNAPP:

Q. Are you a resident of the city of Philadelphia? A. Yes, sir.

Q. What is your official position? A. I am one of the four members of the Board of Registry Commission.

Q. They have to do with the personal registration of voters for the city of Philadelphia? A. Yes, sir.

Q. That is substantially their only duty? A. Practically; they have the entire oversight of that — that contemplates their work.

Q. What is this, a non-partisan or bi-partisan board? A. It is a board which is supposed to represent the various political elements and practically the only restriction that the Governor has in appointing the four members is that not more than two of the board shall be members of any one party. As a matter of fact, what has been done in the appointment of this board, is, that two members of this board are Republicans, one, myself, represents the independent Republican, and there is a representative of the Democratic party.

Q. And those members are appointed by the Governor or elected under the primary? A. By the Governor, for a three year term.

Q. Occupy offices in this building, I suppose? A. Yes.

Q. Will you explain under the law to this committee the system of personal registration? Perhaps you can do that without question? A. Well, it generally follows the plan adopted in other states for registration of voters. It is a law that is largely taken from the New York law, I think, with various modifications. The

system is that the four commissioners should appoint four deputy registrars for each election division or district in the city. They have some 1,150, approximately, divisions, so that means that we have approximately 4,600 deputy registrars. We follow the same plan of appointing these registrars as far as representation of parties go. That was adopted in the appointment of the commissioners themselves, so that in no division is there more than two out of four belonging to any one party.

Q. Pardon me, is that required or is it by the simple act of the board? A. That is required by the act that not more than two shall belong to any one party, as a matter of fact, in practice. That usually works out that the majority party has two and the two minority parties so called have one each. The Republican party being the majority party of this city, and the city so-called or Philadelphia William Penn party, or whatever name the independents happen to be voting under is one of the minority parties and the Democratic party the other. The result of having four members of that board is that we usually have a standing of two to two, and it is necessary to convince one of the representatives of one of the minority parties so that he can put his vote over with the majority registers to carry anything through. The law requires two or three out of four votes; three votes of the registrars to carry any point. The requirements of the registration — I don't know that it is necessary for me to tell this Committee —

Q. We want that. There is one requirement especially, I think, with reference to taxes? A. Well, of course, so far as taxes go, we are guided by what the constitution calls for.

Q. What is that? State it please? A. That a tax has to have been paid, to have been assessed at least two years one month prior to election.

Q. Before a man can vote? A. Before a man can vote and we take the registration.

Q. Just let me ask about that. What kind of a tax is that? A. It can either be a property tax or a poll tax. In the great majority of cases it is a poll tax.

Q. So that every qualified voter must have paid some kind of tax at least, one month before election? A. And not more than two years.

Assemblyman CONKLIN: That applies to the whole State?
 A. That applies to the whole State; yes. The poll tax of this State is fifty cents. It is good for two years.

Q. That means twenty-five cents a year? A. Yes.

Chairman MEADE: Who are taxed under that? A. All citizens are assessed, that is, all male citizens above 21 years of age.

Q. Twenty-two, isn't it? A. Above 22; I beg your pardon; yes, a man can vote if the man is over 21, and then we have that all citizens must pay this tax, and they are all assessed by what is known as assessors elected in each district for the purpose of making up the list of persons who are eligible to pay that tax.

By Mr. KNAPP: As a matter of fact, Mr. Scattergood, do the individuals pay this tax? A. That is something which, of course, officially, we cannot determine. It is a matter of common knowledge, however, that a great many taxes for citizens are paid by other people, political parties or workers, or, I suppose, somebody else.

Q. Does not the law require the personal appearance of the voter at the time of the payment of the tax or is it payment by him in person or some other way? A. Or by authorized power of attorney. That can be done. Of course, that is a matter that has been in the past very freely abused, and it is one of the weak points of our present system, so much so that a great many of us would rather like to have the tax qualification entirely removed, believing that it leads to abuse and scandal rather than serving any useful purpose. Of course, that law materially relieves the income of country districts, and the country members of the Legislature are very apt to oppose any proposition to do away with the tax qualification for voting in the cities. However, with the large source of income it would not make so much difference proportionately.

Q. You have no educational qualifications in this State, I understand? A. No; none at all.

Q. Proceed with the registration. How many registration days do you have in the year? A. Three days in the autumn; five altogether; one prior to the winter election, generally called the spring election, but actually held in February, and one held prior to the primaries in the spring, which took place in June,

except in presidential years when this took place in April, so that every citizen should register on one of the three days in the autumn, which are a month apart; that is, one is held exactly two months before the day of election and one six months before and one exactly one month before the fall election. Then, opportunity is given in case a man has not done that necessary registration, if he wants to vote in the February election, by having one extra day in January at which he can register, and with one for February election, and then there is, as I said before, another day in — just before.

Q. There is required, then, practically five days of registration?

A. Every year, yes. The fiscal year, so to speak, is from August to August, so that every year the old votes go out and so the new votes come in and everybody has to register again.

Q. Does personal registration apply to all parts of the State?

A. No; applies only to the first, second and third class cities.

Q. And that includes cities of what population? A. The first class cities are Philadelphia and Pittsburg, Greater Pittsburg. I don't really know what they call — that is about the way it is. Pittsburg — I would rather you wait until you get to Pittsburg before getting that.

Q. Is there not a specified population? A. Yes, I think there is.

Q. First class cities are what? A. I can't tell. We know we are a first-class city. You will have to ask one of the smaller cities about that. It would be in the law covering personal registration.

Q. In third class cities, you don't know what population is required there? A. I can find out for you. It is approximately 150,000, above that first class cities; I should say 100,000 for second class; that is merely my opinion.

Q. And for third class cities, it applies there also, does it?

A. It applies there — only three cities. It is between 25,000 and 100,000; I have never read the other law up. I can only give you approximate figures on that. I have only to do with the first class.

Q. The personal registration does not apply to rural communities or cities below a certain population? A. That is correct.

Q. Do you know how a registration is carried on there where

personal registration is not required? A. I think there are assessors that assess voters.

Q. These are county commissioners? A. I think so, yes. If you care to know the qualifications of registration?

Q. Yes, you might give that. A. There are some twenty-seven columns set forth, as follows: First, the surname, the christian name, the occupation, then three columns under the heading "Present Residence," the residence, street and number, whether he is a lodger, also, of one room or floor occupied, length of residence in the State and district, the place of residence at time of last registration, State, city, street and number and year, by means of which we can trace out where the man comes from, place of birth, or State or territory of the United States, or foreign country, where born, if person is a foreigner, and naturalization papers have to be produced; and a column here says "yes" or "no." I will explain that naturalized citizens have to present their papers the first time they vote in any district; after that, they are not required unless challenged. Column 15, "Tax receipt produced; yes or no"; then column 16 number of affidavit or loss of tax receipt if taken, if under 21 years of age, right age, and if the tax receipt produced this is written in the column; if it is not, the affidavit is taken that the man has lost or mislaid his tax receipt, in which case he is allowed to make this affidavit, that he has paid the tax within two years, or last year, one month prior to the election, and is qualified on that ground, and the answer that he has and the number of the tax receipt is put in. Then the description of the man, the color, the age, whether he is tall, short or medium, and his weight, and the place for him to sign at the time of his registration; then a column for challenge, if challenged, the number of the challenge affidavit; and then there are five columns covering different elections during the year and under each one of these is a little "v" if he voted, or, it is left blank if he did not vote at the various elections, November election, February primary or the June primary, and whatever special elections may be called during the year. In reference to signing when a man registers, he signs if he can do so, and if he cannot an affidavit is made out that he cannot write, and if he is challenged at the time of the election, then he signs the other book. It is a duplicate book; it is a duplicate of this correspond-

ing place, and the two signatures are compared with the — if they are the same, of course, he can probably pass.

By Mr. HOWARD:

Q. Who determines whether they are the same or not? A. That would be up to the election officers. Of course, our part of it is only the first, signing in the registration, when everybody signs.

By Judge KNAPP:

Q. You have no printed report of the registration of this city? A. We have made annual reports to the Governor, covering the three years of one term and they have been typewritten and furnished to the papers, and I think we could furnish you copies if you would like them.

Q. They are not printed in regular way? A. No, not printed for general distribution; they are just required by the Governor as required by the law.

Q. This registration is necessary before a man can vote at the primary also? A. Yes, sir.

Q. He is not required to enroll as a member of any particular political party? A. Not at the time of registration.

Q. Or at any other time? A. At the time of the primary he usually has to signify his party.

Q. He merely asks for the ticket that he wants? A. That is right.

Q. That we will get later? A. You will get that later.

Q. You have some blanks connected with the administration of your office? A. Yes, I have the whole full system of blanks here for the regular administration of the law, which we send out of every kind that we make and then have the various forms of the affidavits that are required. I will read them; for instance, there is an affidavit of a man unable to write — a place for a man to make his mark in the presence of witnesses and the notary. Here is an affidavit made by citizens at the time of the January registration covering striking off the names on account of the removal or death; there are a number of people, perhaps have moved away since the registration in the fall, that won't therefore qualify to vote in January or February, and the list is subject to correction on that January registration day by striking names off exactly as

they are, subject to correction, by putting new names on, and that is done by an affidavit signed by two citizens.

Q. How long prior to a primary or election day can that correction of registration list be made? A. That day is fixed by law one month prior to the February election.

Q. Can that be done by the registration board without a court order or anything of that kind? A. By the local board, yes, sir, in each division.

Q. No court order requiring it? A. No, that is required by law in each division. There are, however, appeals, of course, which I might enlarge on more fully; from the decision of every local board to our central board, and then, of course, appeals from our board to the Court of Common Pleas. We have had some three or four thousand appeals for putting new names on or putting old names off during the last three years. The appeals can be made to us by citizens who in the fall are absent from the city on all three of the registration days, absent or so sick that they cannot possibly go out of the house, and the opportunity is given them by this appeal to have their cases heard and if the board think they have not been faulty in the case we can register them then, also provided that they have all the qualifications, so that a man has not only the three registration days to qualify to vote as you have in New York, although they are more scattered than they are there. We also have an appeal to the board in case a man has been absent from the city during those three days, provided he has a legitimate excuse. If he has just been out of the county a few miles and come in, why that is overlooked; of course we would be overridden by people with all kinds of excuses. For instance, a man has been in Europe and did not get home until after the three days have passed, he can come in and if he should plead hard we can give him permission to register then. For that we have these various —

Q. That is purely a matter of the discretion of the board as to whether they will register a man upon application of that kind? A. The law is very strict, that he must have been sick or absent from the county all three of the days, so that we have comparatively little trouble.

Q. I understood you to say that his absence from the county must have been a necessary absence or something of that kind?

A. Yes, an unavoidable absence from the county, the law says; and then we have found it wise to interpret strictly.

Q. In order to prevent too numerous applications? A. Yes. We would simply be overrun with thousands of people that would simply get through because they have neglected to do it or otherwise found out that there was the least chance. By being strict we have educated the workers of the various parties that it is useless to bring up people who have no real, valid excuse. Then there are frequent appeals to our board to put names on our list or to strike names off the list; to reverse a judgment of the local board. You see whenever there is a deadlock in the local board and the board stands two to two in the division and nothing can be done, that case to be appealed to the central board, and that board is supposed to be like the board of judges, judicial in its character, and to judge impartially without regard to politics. So that appeals that come up to that board are usually settled absolutely on their merits as, of course, they should be. I have here the blanks of the appeal from board of registrars to strike names off, and here is one appeal from the board of registrars in order to get a name on that they have declined to put on. Here is the form of petition for those unable to be present. In the place of registration on the regular registration days because of absence, the blank states the excuse, the reason for the person's absence. Here is another blank similar to that on account of illness; and I have here the blanks by which the parties suggest to our board the persons that they desire to have appointed as registrars. In selecting those four members from the boards locally, we ask the various parties to suggest names, and those names of their candidates for the positions are brought forward to us officially on sworn petitions setting forth the main facts in regard to the applicant, name and residence, how long he has lived in the division, the age, occupation, his employer and his signature, and then it is duly endorsed by five citizens, electors of the ward in which the person belongs and also by the division association president and secretary of the party to which the man belongs, so that we can find out the people suggested officially represent the parties, that they are supposed to.

Q. Is there any examination of these applicants? A. Yes. This man —

Q. Or does he get a civil service test or anything of that kind? That is, that is put on record, or appearing personally before the board or by examination? A. We fix dates convenient to the parties and the applicants, very often in the evening, and these men line up by wards and we have these petitions all spread out for the members of the board so that — his memorandum — this kind of information on the petition is instantly before them — before the members of the board, and then the man comes up to be questioned.

Q. In any way at all, generally as to his character, employment, past political experience and so on. So that you really have to make an examination of about 4,400 or 4,500? A. We have 4,500 men, although it is not necessary to re-examine the registrars. About 50 to 60 per cent. of old registrars are appointed every year.

Q. How long does that examination take? A. We examine very often 300 men in a three-hour session; say 100 men in an hour. Then they sign a book — we have a signature book in which the questions — anything — is on record and we, of course, examine that afterwards to see that his record to go into a book like this (indicating).

Q. It is an examination of less than a minute for each man, isn't it? A. Yes; we have examined some 12,000 men so that we could not spend a great deal of time on anyone. As a matter of fact, this information that we need that is on this petition (indicating) so clearly in this paper the main requirement, that it is unnecessary to go over that ground again; that is all the record, and we simply follow up a man's employment and how long he has had a certain job, usually size him up again; you can very quickly tell by his appearance and by his past business record.

Q. You have power of removal for those same officers? A. Yes, sir.

Q. So that the board of registration of the city and the district boards of registration are all appointive officers? A. Yes, sir; every one of them.

Q. None of them renominated under the direct primary system? A. Did not have the appointive officers. It is the first time we have had boards of that kind; everything in connection with this place has been by elective positions in Pennsylvania. Judge of elections and inspectors and assessors and the board of division have always been and are now elected officers.

Q. Formerly these same boards that you have spoken of were elected officers or elective positions? A. Yes, and they still are, also.

Q. I understood you to say that they are appointive now? A. No, the registrars are; you see that in this State we have two sets — it is not as it is in New York State — where, as I understand it, the same men who register voters also supervise the casting of the vote on election day.

Q. They are not your election officers then? A. No, that is done by different sets of men. We have first the four registrars who report to the registration commissioners and they are all appointed by those commissioners, and then we have the election day officers, so called, composed of a judge, two inspectors — one of the majority party and one of the minority party, each with a clerk, who have charge of the actual election day work.

Q. What do you mean by a judge? Is he a judge by that appointment or is he an actual judicial officer? A. He is elected by the people of each division as judge of election.

Q. That is his only duty? Those officers all report to the County Commission? A. Yes.

Q. And he is nominated and elected under the — A. By the political parties.

Q. Not by the general electors? A. Well, by the — I mean that they are nominated by the parties and elected at the elections.

Q. Then they are not nominated by the direct nomination system? A. Yes, they could be. They come in on the ticket, through the primary; they nominate people. The primary election nominates people, and then the general election, of course, votes on it.

Q. And those officers are nominated the same way as other officers? A. Yes, sir; just the same. I have now here, thanks to Mr. Chase, who was a former county commissioner, the division of the cities. Those containing a population of a million or over, shall constitute the first class. I will read off those containing a population of 100,000 and over 100,000 second class and those containing a population of 100,000 and under third class.

Q. Then any city, no matter what the population is, it comes within the third class? A. Well, I think the other ones, a city

under — I don't think a city under 100,000 have personal registration. Is it not over 25,000, Mr. Chase?

Mr. CHASE: I think all cities — all organized third class cities.

The WITNESS: Well, all boroughs and townships — well, perhaps it is all cities. It is something I have never had occasion to look into.

Judge KNAPP: I will ask to put this in (referring to Exhibit 2). Now, Mr. Scattergood, we may have those blanks? If you will just fasten them together in some way and then I will have them marked by the stenographer. A. I will classify them and get them in good shape for you. Would you like to have a copy of our voting method?

Q. A sheet of it. Are there any questions that any of the Commission would like to ask Mr. Scattergood? What is the salary of the Board of Registrars? A. Board of Commissioners, \$3,000.

Q. That is Commissioners of Registration? A. Registrars. Each man gets ten dollars a day and his hours of service are from 7 in the morning to 10, and from 4 in the afternoon to 10 at night. When the law first went into effect the hours were from 7 in the morning to 10 at night. It was found that that was a very long time and a great many people would not serve who were desirable as applicants, and we found by experience that so few people registered between the hours of 10 in the morning and 4 in the afternoon that it was practically useless to keep the polls open at that time for registration purposes, and that the people would come in the morning hours and the afternoon and evening hour just about as well, and we found it possible to get a higher class of men to act as registrars because men could attend to a great deal of their own business in the middle of the day and at the same time act as registrars in the morning and evening.

By Assemblyman HOWARD:

Q. That did not interfere with the registration, eliminating the noon hour? A. No, not to an appreciable extent. We registered 250,000 voters in Philadelphia in the three days and almost all of those voters would come in anyhow between the hours of 7 in the morning and 10, and 4 and 10 in the evening.

By Assemblyman CONKLIN:

Q. What is the political unit in which the vote is cast? A. An election division or district.

Q. What is the population of each election district? A. Well, that is by the district, which varies considerably. In many of the older wards there are not more than 125 to 150 voters. In some of our wards that number runs up as high as 5 to 600. But when it gets above 350 to 450, it usually results in a petition to the commissioners and judges to divide the election district to make a new district, so that there should not be too many in any one.

Q. What commission or judges determine that? A. The county commissioners have charge of that. The wards, I suppose, are made by judges. He determines the divisions by wards, by the board of revision and taxes.

Q. Each division getting so many citizens?

By Assemblyman CONKLIN:

Q. By what power is the line of the election district determined? You say there are some districts of 100 and in others it may run to 500? A. That is just purely empirical; it is a remnant of the past. You might say there is absolutely no —

Q. Is it an arbitrary fixed division geographically? A. It is an outgrowth of the old conditions; take the old wards of the city. Some of them have not changed for many, many years, but others have become so populous that the votes were far disproportionate to other wards and petitions have been made where the people voted on the subject and new wards were set apart and the old ward divided up, you see.

Q. Each ward is divided into so many election districts? A. Some of the wards have only fifteen to twenty election districts and others have as many as forty-eight. As I say, it is purely arbitrary. There has been no scientific subdivision or distributing of the city and it is a subject which should claim the attention of the citizens. But as you well know it is a pretty hard thing to upset old districts; a great many oppose —

By Assemblyman HOWARD:

Q. There is no statute governing the number of electors that should be in a district? A. No.

By Assemblyman CONKLIN:

Q. You say that the officers who are to preside on election day are chosen by the electors themselves? A. Yes, that's right.

Q. By the voters generally? A. All the voters of that particular division.

Q. Of that division on election day? A. That's right.

Q. And so that the voters of that election district one year — which shows they are the election officers for the next — A. Each February they vote for those officers and then hold on for the whole year.

Q. Does the minority have any representation on that election board then? A. The minority has one inspector; the majority has the judge and the other inspector, one, a majority inspector, and each inspector has the appointment of an assistant who is called a clerk, so that there would be of the minority inspector and his clerk to represent the minority and, of course, there is only one vote out of the three, that is the judge and two inspectors. The majority has a big club and can handle the work together, and has really absolute control.

Q. And the judge may have the deciding vote? A. Yes, the judge has the deciding vote and the two inspectors —

Q. He can reject or accept any ballot which is offered? A. Yes, sir. That led, of course, to frightful abuses in Philadelphia some years back, and brought about the passage of the registration act, which really fixes the qualified voters before election day, so that now we have the new system of registration the duties of election officers are vastly lightened. As a matter of fact, very simply, the judges of election now pass — very seldom have to pass on any qualifications at all because all that is asked for him by the registration laws, and it is all subject to appeal before election, or plenty of time to correct errors either pro or con.

By Assemblyman HOWARD:

Q. Suppose on election day a man presents himself to vote who has signed the registration and is challenged, he then has to sign again, has he not? A. Yes.

Q. Suppose the majority party, being in control, should decide that it was not the same signature. Has that voter any appeal from their decision? A. He would not have any appeal that would become operative that day.

Q. He would be deprived entirely of his vote? A. Yes.

Q. Then if that election board wanted to exert an arbitrary or to put into force an arbitrary rule, they could deprive a great many minority voters of the right to vote? A. They would be running a risk, of course; they would be running the risks. If a man could bring — you could have them arrested.

Q. As a matter of fact, is it not true that the average laboring man — the average voter, I will put it — writes so little that in the difference of a month he might write his name so differently that ordinary inspectors of election would pretty near justify themselves in receiving the vote or refusing to receive the vote? A. I imagine men of that sort would probably be identified in other ways than by his signature and, of course, the same watchers would be present at the time of registration at which that question would probably be brought up as are present at the time of election. The chances are, practically speaking, that problem will have been threshed out at the registration time. And judge and inspectors are not going to borrow trouble by renewing the fight at the time of election; at least so it has worked out thus far in Philadelphia. It is a new law, you know, and a great many possibilities of that sort may develop in the future.

Q. You never heard of such a case? A. I never heard of a judge declining to let a citizen vote who had been duly registered and whose vote was on the corrected registration and was unchallenged. I just emphasize once more the possibility of appeal to our board as the means of settling everything before election day, and also the appeal of citizens who have been sick or absent from the country — that being entirely different from what you have in New York. You know there if a man is not present he has three or four times just as you have, all of which comes in one week, does it not? or in two weeks? two weeks? (a) There is no chance for him to vote and there is a chance in Philadelphia to appeal to our board. It is availed of by a large number of people — I suppose we have every autumn one thousand citizens, who have been absent and who have really legitimate excuses and that fixes a certain test for certain years. They come in and we hear what they have to say and we register them you see.

By Chairman MEADE:

Q. There is nothing in the Constitution to require personal

registration in certain sections of the State of Pennsylvania?
A. No.

Q. As we have in New York? A. No.

Q. It would require an amendment to your Constitution? A. No, our Constitution says nothing about it. There is one thing that a good many people who are interested in election are trying to do away with, the February election, so as to simplify the machinery.

By Judge KNAPP: That is what I was going to take up a little later, unless — A. It has got so at the present time that we have an overwhelming list of duties which a citizen has to fulfil in order to go through all the duties. First of all he has to see that his name is assessed by the assessors. That assessor, by the way, is an entirely superfluous person, and works the State of Pennsylvania for \$100,000 to do a duty which should be done by the board of registrars. But the Legislature has not seen fit to do away with those numerous affairs thus far although it probably will sometime.

By Assemblyman CONKLIN:

Q. I was just going to ask along that line, whether this large number of duties required of each citizen results in the abandonment of the suffrage by the citizen? A. I have no doubt it works disastrously for the good of the Commonwealth. Now, to go on with the list of duties: First, he has to see that his name is on the assessors' list, which would make him qualified, make him eligible to pay taxes; then, he has to see that he pays that tax and gets his tax receipt —

By Mr. KNAPP:

Q. That is a constitutional provision? A. Yes, sir. Then he has to go to be registered by taking with him this tax receipt. Then he goes to two general elections and to two primary elections by the time the year is out.

Q. That makes seven different times? A. And the workers, instead of one registration they have five, all told, registration days to look out for. The result is that there is such a multiplicity of political duties for workers and for citizens that a great many things go by default, and neglect. What we want to do is to

simplify, as much as possible, the elections and do what you have done. We want simply one election during the year with no different registration day prior to that, and, if possible, remove the tax qualification, which, as far as the State goes, is worked at considerable abuse and is very often a farce. Then, every citizen will be able to do what there is to do.

By Assemblyman CONKLIN:

Q. Is there any particular class of citizens that find the duties too burdensome? A. I guess we all know the stay-at-homes.

Q. The ultra-respectable or the ordinary common voter — A. I think the average stay-at-home voter considers himself probably far above the medium line, and I guess he is respectable.

By Judge KNAPP:

Q. He is the ultra-respectable, as Mr. Conklin designated it?

A. Yes, the ultra-respectable people are very often neglectful of their duties, but I think it is such a complicated system all the way through that people of all classes, unless they are jacked up, are very apt to neglect.

Q. Political parties have to see to it that they register and they vote? A. It overestimates the importance of political committees very much.

Q. Can you state, generally, what percentage of the registered vote voted at a national election; voted at the election; who voted last year? A. I think I can give you the exact figures of Philadelphia for the last three years. I have got our report here.

Q. Will you furnish us those figures? A. Yes; I will be very glad to do that. It is just a matter of record here.

Q. You have no means of knowing what percentage of the registered vote participated in the primaries of 1908? A. That would be a matter of record.

By Chairman MEADE:

Q. Give those a little later. Can you give us the cost of registering the voters of the city of Philadelphia in the last year? A. I will give you the official figures.

Q. Approximately, the population of this city is 1,600,000? A. A million and a quarter; it may be 1,400,000.

Q. It is the third city in the Union, I believe? A. Yes, sir, so I am told; next to New York and Chicago, Philadelphia.

By Assemblyman CONKLIN:

Q. Just one question about the requirements of election day. Is the signature absolutely necessary? A. Not unless challenged.

Q. So that every voter does not have to sign his name, as a matter of course, on election day? A. Not on election day. He has signed when he registered, and then his name is, therefore, comparison if there is any question about identity and any one should challenge on election day.

Q. Is he required to sign it when he registers? A. Yes; every safeguard is —

Q. An educational qualification then? A. Well, as I stated before, there is an opportunity for him to make an affidavit that he can't read or write by making a mark on this affidavit; that is filled out for him by the registrars and his mark is made in the book. That would apply to a blind man, for instance, and a man whose hand is incapacitated by accident so that he could not write; he would not be disfranchised on that account.

Q. Any other methods of identification other than his signature or his inability to write? A. Well, the questions which I have read which describe him — his color, his age, his height and approximate weight, all of which are set forth as a matter of record; and then the question of residence is entered into minutely, so that it can be referred to, and the past residence also, and the number of years he has lived in the district. If a man undertakes to vote on another man's name he has a great many questions to know the answers of in case he is challenged.

By Assemblyman PHILLIPS:

Q. I assume they don't go to the extent of asking the birth-place of his father and mother, and that sort of thing, do they? A. The country where he is born.

Q. That is the limit? A. That is the limit unless we want to make the thing as simple as possible — get the relevant facts and nothing more.

By Mr. KNAPP:

Q. Do you think of something else? We thank you, Mr. Scattergood, very much.

FRANK J. GORMAN, of the board of county commissioners:

By Mr. KNAPP:

Q. Mr. Gorman, you are one of the county commissioners of the city of Philadelphia? A. I am.

Q. How is the board composed? A. The board is composed of three members, elected for a term of three years by the electors of the county at large. Two of the members, by provision of the Constitution, are of the majority party and one of the minority party. It so happened that I was elected on the Philadelphia party ticket other than the — considered the Republican and Democratic and the Philadelphia as representing the combination and I represent a combination of independent Republicans and independent Democrats.

Q. Now, Mr. Gorman, if you will allow me to ask you a few questions covering the act known as the "Uniform Primaries Act," we will get at the other parts of the examination later. You have in the State of Pennsylvania a law known as the uniform primaries act. When was it enacted? A. The uniform primaries act was adopted in the special session of the Legislature of 1906, approved by the Governor on the 16th of February of that year.

Q. And it has been in operation since that time? A. Since that time. The first primary held under the act was in January, 1907; the following June and the following January; the following April, January, 1909, and June, 1909, making a total of six.

Q. Prior to the adoption of this uniform primaries act. was there any method of direct primaries in vogue in this State? A. The method of making nominations was what you might call the old system of conventions, of delegates to conventions, elected under the system of party rules, the results of the conventions elected under the system of party rules, the results of the conventions certified to the county commission or the Secretary of the Commonwealth, as the case might be, by certificates of nomination. There was no direct primaries, of any kind, similar to this act.

Q. That is, in this city? A. That is in this city or in this State, I believe.

Q. Have you any reference to what is known as the "Crawford County System," which was adopted as a result of a contest for a prize offered by the Union League of Philadelphia? No

knowledge of that or of the Beaver county system? A. No; I might say my knowledge has been gained only from political experience only in Philadelphia. I have never participated in politics outside.

Q. What is your age? A. I will be 25 in September of this year.

By Assemblyman CONKLIN:

Q. Are the Philadelphia county and city coincident with each other? A. The boundaries are the same, but the terms "city" and "county" — there is a difference in several particulars; for instance, there is a city treasurer and a county treasurer for certain purposes and the county commissions and city commissions for certain purposes.

By Assemblyman PHILLIPS:

Q. You have county government and city government, don't you? A. No; there are county officers to carry out the same rules in Philadelphia county as are prescribed under the State statutes to be carried out in every county and those officers are elected by electors of the city of Philadelphia.

By Judge KNAPP:

Q. The county commissioners have what duties generally? A. The county commissioners, so far as the general election law is concerned, furnish all of the paraphernalia for the general election; that is, the February and November election. They are under the uniform primaries act committed to the enforcement of that statute. They carry out other duties and generally supervise over the house of detention for children — they pay the county officers, witness fees, bury the dead soldiers, the keeper of the poor and insane of the county and carry out the orders, particulars of the courts on these.

Q. You have no officer in this State to correspond with the board of supervisors in New York? A. No, sir. There is no supervisor of elections here.

Q. Well, I mean supervisors? A. No.

Q. The county commissioners throughout the State take the place substantially of the duties of the board of supervisors in New York? A. I do not know what the supervisors in New York

do. There would be no necessity because the primary election law provides that officers to be voted for in February shall be nominated at the winter primary.

Q. That is a constitutional provision and in addition to the ordinary duties of supervisors they have added to them the supervising of election and of the primaries under the election law and the primary law? A. More largely the supervision of the primaries.

Q. Now in this State you have how many primaries each year? A. Two.

Q. Known as what? A. Known as the winter and spring primary.

Q. And the winter primary is held when? A. In January.

Q. And the spring primary? A. The spring primary in June, except in presidential years, when it is held in April.

Q. Was there a resolution passed by the last Legislature of this State providing for a submission to a vote of the people the abolition of what is known as the winter primary? A. Not of the winter primary, because the winter primary was originated by an act of Assembly and can be abolished by act of Assembly, but the winter primary would not be a necessity if the February election were abolished.

Q. You believe in the abolition of the February election? A. Yes, sir.

Q. And if that were to follow the winter primary? We have boards of supervisors. In the rural counties, do you know how many there are in each county? A. County commissioners?

Q. Yes, county commissioners? A. Same number.

Q. Three in each county? A. Three in each county. It is prescribed by the Constitution.

Q. If that provision should be adopted and the winter primary taken away, you would lessen the number of so-called elections; that is, you would diminish them from four to two, would you? A. With the February election abolished, there would be the three fall registration days, one election in November, one primary election in June or April, as the case might be, and a coincident registration day for that primary.

Q. So that you get rid of two registration days and one elec-

tion day? A. One registration, one April election day and one February election day.

Q. Can you state in a general way what has led to the passage of such a resolution — what general discussion? A. Largely the multitude of duties imposed on electors and those who are active in partisan politics.

Q. How about the citizen himself being required in the performance of his duty to attend practically to four elections a year?

A. There is also there the item of expense.

Q. Has it proved burdensome in that respect? A. Yes, I should say it would; because, starting out in January he has the January registration, or rather, in the first of the year he has the extra assessment days, in January; he has the primary election in January and election, and the first Monday of May an assessment by the assessors; again in June, a primary and registration day; in the fall three registration days and one election day and an extra sitting of the assessors on the 31st of December in this year, and also a canvass by the assessors of the division.

Q. And the rest of the time he devotes to the holidays, earning a living? A. Yes, and you see, of course, involves the preparation of innumerable petitions, different canvasses, canvasses for registration, for primary, canvassers of workers to verify the assessment, appeals to the voter to come and be assessed and come and register and come and vote, and it practically makes it a year-around work for any man in political affairs.

By Assemblyman PHILLIPS:

Q. Is that part of his duty to see that he is assessed, or is it the assessor's duty? A. It is the assessor's duty to make an assessment of the division on the first Monday of May in each year. Then after that and before the books are turned into the county commissioner's office for use for jury purposes and payment of poll taxes, the assessor sits on two separate days to allow any person who wishes to come before them and make sure that his name is on the assessor's list.

By Assemblyman CONKLIN:

Q. May I ask whether the spring elections are important ones?

Mr. KNAPP: I will come to those matters in another section.

Q. Can you state in a general way from personal discussion

whether there is any real difference of opinion as to the advisability of doing away with these spring elections and winter primary?

A. I have heard no objection from either the Republican organization or Democratic organization, nor from the Independent party, of which I am the secretary.

Q. From this fact you would conclude substantially the probability of such vote being taken in the affirmative? A. I do not think there is any probability of that constitutional amendment being defeated at the coming November election.

Q. All parties practically concur in the idea that you have too many primaries and too many obligations of that kind? A. Yes.

Q. For the citizens and the people actively engaged in politics? A. From the standpoint of the Independents we have. Many times in the past we have made independent fights and been defeated by a narrow margin because of the coincident State fight in 1906. The Governor was to be voted for and the district attorney in Philadelphia county, the Governor being a resident of this county and personally popular, and the interest centered as largely in the State situation as it did in the local situation and practically determined the election. Whereas, under this constitutional amendment State officers will be voted for on the even numbered years and the county and municipal officers on the odd numbered years.

Q. Now, then, the spring and winter primary are for the election and nomination of what officers under present conditions?

A. For municipal officers, generally speaking.

Q. County and town officers come in the fall? A. For instance, we elect in the spring magistrate, school directors, election officers, constables and so on. That is the unimportant election.

Q. And the fall election and primaries are for the election of what officers? A. For that election — and that is the June primary — is for the election of ward committeemen and for the nomination of delegates to State conventions — national conventions in the presidential years in April — and the nomination of sheriff, coroner, county commissioner, district attorney, city treasurer, registrar of wills — that is in different years — that is the grade of officers nominated.

Q. You select for the national tickets delegates at large? A.

No, pardon me; we are not concerned with delegates at large, because we are not a national party.

Q. I am not speaking, of course, of any particular party arrangement. The law provides that delegates to the State and national conventions are nominated under the uniform primary act, except delegates at large? A. Yes, they are elected to the State convention.

Q. All your Congressmen and members and Senators and the Governor? A. They are nominated in the uniform primaries. The Governor is nominated by the State convention and all State officers under him and State judicial officers.

Q. Are nominated by State conventions? A. Are nominated by State conventions.

Q. The delegates to the State convention are elected under the uniform primaries? A. Elected under the uniform primaries.

Q. So that no State officers are directly nominated by vote of the people? A. Not in the uniform primaries. The highest State officer is a Congressman.

Q. By the amendment that is proposed to the Constitution the municipal officers will be elected at the same time county officers are elected? A. That is true.

Q. And the State officers in national elections will come in other years? A. In even years.

Q. So that you think the confusion of the municipal officers with the county officers will not be disastrous to the municipal reform or anything of that kind by putting them in the field with the county officers? A. No, because they are virtually considered as State officers.

Q. They would be in counties where the lines are coincident with the city in Philadelphia? A. Yes.

Q. The uniform primaries act, I notice, also may apply to the nomination of presidential electors at the primaries if the rules of the respective parties so provide? A. Yes.

Q. Will you state to the committee how those names come to be on the nomination papers? A. They are placed upon the primary ballot upon petition of electors of a party.

Q. How many? A. They vary for the different officers. Section five — members of Congress — candidates for nomination for members of Congress, which is the largest county office next to

State Senator, 200 qualified electors. They are filed to the Secretary of the Commonwealth. Candidates for nomination, except House of Representatives, and for officers to be voted for by any other county, 50 qualified electors. Candidates for nomination for all other officers, for delegates to State and national conventions and for party offices, 10 qualified electors.

Q. And are elected from these various districts? The party officers are the party committees? A. Yes, sir. They are designated as a ward committeeman, two of whom are elected in each election division of this city and there are 1,174 elections districts in city or county.

Q. And does the chairman of the State committee and the chairman of the county committee furnish a list of the officers to be elected? A. Only of the party officers. That operates in this way: the petitions for State officers are filed with the Secretary of the Commonwealth. The Secretary of the Commonwealth in return furnishes a specimen ballot for each county and the officers are voted for and then the return certified back.

Q. You have a petition for nomination, have you not? A. Yes. There are the various forms and of the various parties, each party being assigned a different color of primary petition.

By Assemblyman HOWARD:

Q. Is that covered by statute? A. No, that is not covered by a statute; no, the uniform primary act in Pennsylvania differs from the primary act in other states in this particular, because the official ballots are all of the same color, white, and there is no distinction in the color of the ballots of the different parties.

By Assemblyman PHILLIPS:

Q. That is in the primary elections? A. Yes, I present to the Committee various petitions of the various parties as they are used.

Q. Now, you describe, Mr. Gorman, the form of ballot that is used at the direct primary? A. I can best illustrate that by samples of the ballot, which I have here. Each party has a separate ballot.

Q. The name of the party appears at the head of the column of nomination, does it? A. Yes.

Q. Do you find that there is sometimes a large number of candidates for the same office? A. That varies largely in the char-

acter of the office, the interest taken and from the question of what particular ballot is in question. There is always a large number of candidates upon the primary ballot for magistrate because that is an office for which the qualifications are not as high and does not require a man to be an attorney.

Q. Have you a form of ballot for magistrate here among these? I want to see how many candidates were nominated? A. I have not that here. On the Republican primary ballot last January there were six or seven. The Republican organization admittedly has the best party organization and has, therefore, the ability to carry through the primaries its nominees. The William Penn party, as the Independent party, does not seek in the same manner to state or influence the election of nominees. On that party's ballot there were thirty names printed at the last primary as candidates for magistrate.

Q. And how many to be elected? A. Two to be nominated.

Q. So that upon that ticket there were thirty names, out of which the electors must choose two? A. That is correct.

Q. How are they arranged? A. They are arranged alphabetically.

Q. And what do you say as to whether a man whose name begins with A, has any advantage over a man whose name begins with X? A. It has been my experience that a man whose name heads the list has a preferential position and in defense of that I would say that it is better to give a man who happens to acquire that preferential position from the time of his birth the advantage of that position rather than any particular nominee of a party. In other words, I believe it is the only fair way to determine how the names shall be printed on the ballot.

Q. But as a matter of fact, do you find that the man who has the preferential position described by reason of the initial letter of his name receives votes which were perhaps not actually intended for him by the careless, indifferent or ignorant voter? A. Undoubtedly that is true, where the interest in that particular block—in that particular office is not the keenest interest on the whole primary ticket. That is to say, is the keenest interest is in the selection of a district attorney, the first man, the man whose name is printed first for another office that appears on that ballot is very likely to receive votes for him.

Q. These officers are under different columns are they not, on the ticket? A. They are under what we call separate blocks. .

Q. Separate blocks? A. For instance, I could illustrate that by saying: the keenest interest was in the selection of district attorney, and therefore in this other block of delegates to the State convention, the first two men had a preferential position because the interest was not so keen for the election of a State delegate, except where there were vigorous fights being made as there was in the nomination of the district attorney.

Q. What I want to get at is, all the candidates for the same office are grouped together under the proper designation or title? A. Yes.

Q. Delegates for the State convention vote for two or ten? A. As the case may be.

Q. For member of Congress, all of the candidates for those positions are together? A. That is correct.

Q. And for members of Congress? A. The same.

Q. All of the particular party are together? A. Yes.

Q. Each party has its own ballot? A. Yes, each party has its own ballot and the candidates for nomination for each office are grouped together under the same heading on that particular ballot

Q. Is there anything in the law that prevents the member of one party being placed upon the ticket of another party as a candidate? A. There are no qualifications in the act prescribed for candidates, if that answers your question.

Q. For instance, ten to two hundred, as the case may be, electors may petition for the nomination of a well known Democrat upon a Republican ticket? A. That's true. On the last primary Mr. Gibboney's name appeared upon the Republican, William Penn and Democratic party primary ballots.

Q. Gibboney had formerly been in national politics as a Republican? A. Yes.

Q. And in local and municipal politics had been with what is known as the William Penn party? A. You might designate him as an independent, a William Penn man.

Q. And had never been identified with the Democratic party, that you know of? A. Except in this, that three years previously when a candidate for the same office, he was nominated by the Democrats for that office, or endorsed for it in a party convention.

Q. So that a group of Republicans sufficient in number to conform to the statute may select the name of a Democrat and file a petition for his nomination upon the Republican ticket, and his name therefore goes upon the Republican primary ticket, as a candidate for that nomination? A. Unless the primary petition is attacked in court, and that attack is directed to the qualifications of the signers.

Q. But assuming that the signers are qualified as Republican electors? A. The name is printed upon the ballot.

Q. If the Democrats were in a majority and should vote for that candidate, instead of for their own candidate, they might nominate him for the Republican party? Is that correct? A. That is true; yes.

Q. And of course the same is true, that a Republican party that is in a majority might nominate a Republican upon a Democratic ticket, and you say in the case of Mr. Gibboney, he was nominated upon all three tickets? I mean as candidate for nomination? A. Yes, his name was placed upon the three, yes, that is true, he was nominated upon the Democratic.

Q. And he received the nomination on the Democratic ticket, the nomination upon the William Penn ticket and had a large number of votes on the Republican ticket? A. Came within 4,500 of receiving the Republican nomination.

Q. Where the party is largely in the majority, state whether or not it is possible for the majority party by sacrificing a portion of its vote practically to dictate the nominee of the minority party? A. It has been done in Philadelphia under this act.

Q. What do you say as to whether this is a wise or unwise provision in the law that permits a condition of that kind. A. That to my mind is the greatest weakness of the act, because it results temporarily at least, in putting the independents to great trouble and possibly if they were not so vigorous as they are in Philadelphia, would have resulted long ago in their extinction; but luckily that has never resulted in Philadelphia in defeating the purposes of the majority of the electors.

Q. Of course, Mr. Gorman, we are not concerned about any factional differences in the city—merely to get at the facts or any abuses that there may arise under this act if there are any weak

spots in it. A. That is the greatest weakness in that act—it permits that, but how to remove it is more than I can figure out. So far as I am concerned I could not suggest any remedy, except for the provision of the qualification of a candidate that something might prescribe that a man must declare in order to have his name remain on the primary ticket what party he belongs to, but that in itself would defeat the intent of the uniform primaries act.

By Mr. KNAPP:

Q. They can have him and nominate him upon any party ticket, whether they belong to the party or not? A. Yes.

Q. Is it not a criminal offense for a member of one party to vote the ticket of another party at the primary under this act? A. It is an offense prescribed under the act. Any person who votes or attempts to vote at a primary knowing that he does not possess the qualifications of a voter at such primary, as indicated by this act and so on is——

Q. The qualifications of a voter would be registration and the usual qualification of a citizen, would it not? A. Yes.

Q. It does not refer to party qualifications at all, does not say partisanship? A. No. I think you will find it——

Q. How do you prevent the voting of members of one party of the ticket of another party? A. Only by challenge.

By Assemblyman CONKLIN:

Q. Which is if the electors desire any sort of man, they can have him. May I ask right here, Judge, if I may, in petitions by which a name is placed on the primary ballot, how is the politics of the petitioner determined? A. Merely by his statement.

Q. And in the petition itself? A. Yes. “We, the undersigned, all of whom are qualified electors of Division of the City and County of Philadelphia, members of the Republican party.”

By Judge KNAPP:

Q. That refers to the petitioners and not to the candidates?

By Assemblyman CONKLIN:

Q. I was referring to the petitioners along the opportunity of determining whether the members of one party can select a nominee to go on the ballot of another party?.

By Mr. KNAPP:

Q. The members of the Republican party can select a Democrat and the members of the Democratic party can select a Republican.

By Assemblyman CONKLIN:

Q. What I want to find, how it is determined who are the members of a party who may petition? A. Oh, I see what you mean. That is contained in the provision of the act relative to challenging and affidavits provided, and the courts have held that the same qualifications must be put upon a man for signing a petition for primary election at which he intends to vote as would be put upon him if he asked for a ballot at the primary election. And that is provided if he is challenged he shall be required to make oath or affirmation—that at the next preceding general election at which he votes he voted for a majority of the candidates of the party for whose ballot he asks. That has been supplemented in the case of Mark versus Straus, by an opinion of Judge to the effect that a man in addition to that must swear that he voted for a majority of candidates under that particular party column with the intent of this act.

By Assemblyman CONKLIN:

Q. It is just on his affidavit that his particular party leanings are determined? A. Yes.

Q. An affidavit is not required on the petition except on challenge?

By Judge KNAPP:

Q. At the time of voting at the primary? A. The only way that you can bring up the qualification of a petitioner is by appeal to the Court of Common Pleas, alleging that the petitioners are not qualified electors. Then they are subpoenaed and examined upon the witness stand.

Q. That they are all qualified electors of a certain party? A. That they are all qualified electors of a certain party, for instance: Your name is put on a ballot whichever it is by ten Democrats and I take that petition and take them to courts, subpoena your ten petitioners and ask to have them put upon the stand and examined, and I ask each one separately, "Did you at the next preceding general election at which you voted vote for a majority of candidates of the Democratic party?" And if the man answers no, that has

been the practice of the courts to strike his name from the petition and if a sufficient number are stricken off, it leaves the number below the required number and that petition falls.

Q. The maximum required number is 200 and the minimum is 10? A. Is ten.

Q. Anything to show the regularity of the candidate, the regularity of the nominee? A. There is nothing in the act which prescribes for the qualification simply the candidate.

Q. The candidate may be nominated upon any ticket regardless of party? If a voter at a primary is not challenged, what do you say as to whether his act in voting the ticket of a party of which he is not a member is legal or otherwise? A. It says that each elector shall have the right to receive a ballot of the party for which he asks provided that if he is challenged——

Q. There is no criminal act in taking a ballot of a party of which he is not a member and voting it? A. Yes, there is.

Q. I mean outside of the challenge. A. If he is challenged and he makes a false affidavit——

Q. Then he might be punished for perjury? A. Then he might be punished for perjury.

Q. How can you prove it? A. You can't prove perjury under this act. A man himself is the only good witness as to how he voted. He has two rights to refuse to state how he voted, first, because it is his constitutional right and second because he could not be compelled to testify against himself.

Q. The constitutional right to secret ballot and that he is not obliged to make a statement that would criminate himself. So that as a matter of fact, a man may get in and ask for the ticket of a party to which he does not belong and vote it with practical impunity. What has been the result of the practice right here in the city? A. I can give you the practice. I can state here in the first division of the first ward, there were six votes appealed at the November election that were qualified and in the registration subsequent to the November election and we would concede that every newly qualified person was qualified to vote the Philadelphia party ticket and that is the party ticket in question, making a total of 26 qualified voters, whereas in the primary there were 27 votes polled in the primary on the Philadelphia party ticket for the organiza-

tion nominee you see, making one in excess of the total that would possible be qualified. That excess over those who could under any circumstances be qualified, ranged in the first division from one in the 4th to 8 in the 6th, to 62; in the 7th four; in the 8th 35; in the 9th 18; in the 10th 1, and so on, making a total of 453 in one ward alone. Four hundred and fifty-three voters that could not under any circumstances have been qualified to vote for that particular party ticket at that primary, but they were not challenged.

Q. Have you ever known of a prosecution or conviction for violation of that statute? A. Not that I know of.

Q. What observation have you had as to the naming by one party of the candidate of another minority party here in the city—has it been done outside of the Gibboncy case, I mean? A. I had a personal illustration of that in the preliminary primaries in 1908, when I was a candidate for nomination on the city party ticket. My present colleagues were nominated on the independent ticket over my running mate and myself, at the primary election. Between the primary election and the November election, a Philadelphia party ticket was launched and I was elected on that ticket and then the old ticket that had been raised in the primaries was discarded and thrown aside.

By Assemblyman CONKLIN:

Q. How was the Philadelphia party ticket chosen? A. Under the acts of assembly any five electors may assume the particular party title and then with that presumption in hand, nomination papers are circulated to a total of two per cent. of the largest entire vote cast for any candidate at the next preceding election, which in that case was 3,700. In other words, it took 3,700 electors' signatures to put the Philadelphia party's candidates upon the official ballot to be voted for at the November election.

By Judge KNAPP:

Q. And the law also provides that any party casting two per cent. of the largest vote of the ticket at the last preceding election constitutes a party. A. A party to participate in the primary election.

Q. Well, how many parties have you here as a result of this method of procedure? A. Republican, Democratic, Socialist, Prohibitionist, City Philadelphia and William Penn.

Q. That is how many on your ticket. A. Seven parties.

Q. And you say the total vote is about—— A. Varies, 250,000 to 260,000 and 270,000.

Q. The percentage of that voted is what? A. That varies according to the interest in the election usually.

Q. Take the national election last year? A. About 90 per cent. — 90 to 95 per cent., I can't tell you exactly, percentage of the registered votes, I think only about 85 per cent., I have not the figures. There are about 15,000 or 20,000 who do not vote, due to removals, business engagements and a number of excuses, and so forth.

Q. Is there any difference in years in the vote cast by members of one party for the candidates of another party? That is, can an independent party vote for Republican nominees in the year following the national election with a clearer conscience than they might on any other year? A. There does not seem to be very much conscience in the uniform primary acts. Men don't walk in the polling place, so far as I have been able to find, with their conscience in one hand and the other out for a primary ballot. They usually try to do what best serves their particular interest at that time, and take a chance on getting it. It is individual party interest.

Q. Now, what I am getting at is this: the qualification under the oath if he was challenged was: A man must swear that he voted for a majority of the candidates of the party on the ticket he asks for. A. Yes.

Q. If he voted a Republican ticket and voted for the presidential electors in 1908, it would be easy for him to take that oath in 1909? A. That is also a matter of dispute. Mr. Alexander Simpson, counsel for the county commissioners and probably one of the best informed attorneys on the elector's law in this State, has held that while that is technically true, that the 34 electors must be considered as 34 individual candidates, that voting for them under the intent of the act is only voting for two candidates. Personally I disagree with his opinion on that point, because, in the general election act it says there shall be as many blank spaces on the ballot as there are candidates to be voted for, and the commissioners in the last election and every preceding election have

put 34 blank places in the electoral column. They have assumed that they have the right to vote for that many electors; that is for a majority.

Q. Then at a succeeding election, if they voted an independent ticket they would be disqualified from receiving a Republican ballot at the next primary? A. Technically speaking.

Q. Can you suggest to this committee any method by which the Pennsylvania uniform primaries act could be amended so as to prevent the nomination by one party of perhaps a large majority of the votes—of the candidates of the other party? A. No, not other than the suggestion I made—the qualification being prescribed for candidates. I do not think any statute can be formulated that will not in practice prove to be faulty in some particular; and I have no doubt if that provision were inserted in the statute there would be found some method in practice that might make that just as objectionable as the present statute.

By Chairman MEADE:

Q. Suppose the candidate were required to be an enrolled voter of that particular party and you require a personal enrollment, would that help it any? A. How would that work out? Who would enroll him?

By Assemblyman PHILLIPS:

Q. Himself. A. Suppose the individual did enroll himself and then you would have to say that he could not enroll in any other party. That would prevent Republicans from accepting as a good candidate some man who may be enrolled as an Independent, and would make a selection of the nomination of the Republican party impossible from any other group than a man who happened to be enrolled in that particular party. In other words, if Governor Hughes is an Independent, which I think he is, was enrolled in his particular district as a candidate or allied with that particular local issue, he would be disqualified from receiving the nomination in the city of another.

By Mr. KNAPP:

Q. Governor Hughes is an out-and-out Republican. A. He is a Republican? Well, I simply take that as an illustration. What will happen under this act? The Republican party would

have no candidate for particular office who was a Republican and vice versa, and the Democratic party would have no candidate for a particular office who was a Democrat, or the William Penn party — not unless the Republican party in New York was so far recreant in its watchfulness upon the polls and its challenges as to permit the Democrats to make the nomination.

Q. Well, I mean it can happen by the operation of the act?

A. It can happen.

Q. Take the case of the Independent party in this city. Has it not happened that members of the Republican party have been nominated upon that ticket from time to time? A. That is true.

Q. Did it frequently happen? A. The nomination was stolen three times. (Laughter.)

Q. You use the word “stolen?” A. Yes. (Laughter.)

Q. It was obtained? A. They may have persuaded.

Q. You don't mean by that that there was criminal offense committed? A. Well, taking a thing by force which don't belong to that particular party is theft.

Q. By the same process, if Mr. Gibboney had received the nomination of the Republican party at this time you would also apply the same characterization to the William Penn party? A. You would have to prove to me before I would say that was true, that the votes that nominated Mr. Gibboney were not Republican; whereas, I have proven to you that the votes that did nominate Gibboney were not Philadelphia party voters. (Laughter.)

Q. It depends upon which party happens to get it? A. It depends, of course, largely on your point of view and upon what proof you can bring.

Q. I am only inquiring to get out any weaknesses or defects that may arise. A. I think the situation, as far as Philadelphia is concerned, will adjust itself by practice. I think the Republicans in this primary election invited what they — the scare that they got — and it was a pretty good scare, by their actions in the past.

Q. Of course, those matters we do not know anything about.

A. No.

Q. No party is really on trial. I mean by that, can you suggest to the Committee any legislation that will prevent the voting by an elector of one party for the candidate of another party, for the nomination — taking and voting another ticket of another party of which he is not a member? A. Nothing except that what I have suggested — only that suggestion of the qualification of the candidate.

Q. If there was such a thing as enrollment at the time that a man calls for a ticket enrolling him in the party ticket he calls for, preventing him receiving any other ticket at a subsequent primary, that would in a way prevent it? A. I can answer that by saying that any technical or clerical enrollment such as that would of necessity be made in many divisions by election officers of the adverse party, and they would not perform their duty.

Q. But suppose that a man goes to the primary and asks for a Republican ticket and gets it; he is entered upon the roll then as a Republican. The next primary he appears and asks for a Democratic ticket? A. That would aid if every man was enrolled and every election officer did his duty.

Q. What effect would that have upon independent voting? Would it tend to diminish the disruption of parties or change from one party to another? A. I do not think any man desires to have an official record of his politics — extent of his party affiliations.

Q. You would not approve of that suggestion in Philadelphia, from your observation and experience as an officer? A. No, sir.

Q. I am referring to the Massachusetts system? A. Yes.

Q. What interest or lack of interest was displayed in this act when it first became a law of the State? A. I think there was a very lively interest in the act of the primary when it first became a law, caused particularly by independents. It was first voted in January, 1907, as I have said before, when there was a total of 97,867 votes cast in the Republican, 40,646 in the City primary and 9,643 in the Democratic primary, making a total of 150,000, an average of 60 per cent. of the total registered voters.

Q. How has that continued — just give the total? A. Republican, January, 1907 —

Q. In the subsequent primaries? A. In the subsequent pri-

maries the total vote was about 75,000; that is, the June, 1907, primary.

Q. And that was the fall election, the State delegates, etc.?

A. Yes.

Q. And for the next one? A. January, 1908, when there was a total of 103,000.

Q. The next one was? A. April, 1908, presidential year, 151,000.

By Chairman MEADE:

Q. Can you ask him to go back prior to this primary law?

A. There was no official figures of the primary vote at that time because it was purely a party matter; but I am sure that no such number participated in the primaries under the party rule.

Q. How are the expenses of the candidates met? A. They are met by the candidates themselves as prescribed by the corrupt practices act.

By Judge KNAPP:

Q. Then the political parties or organizations that are backing a particular candidate cannot pay his expenses? A. They properly have no right to pay his expenses, although that is done, I think, I am not sure, in this county.

Q. State whether or not it is in your observation that political parties, as a rule, in this city, pay the expenses of the candidate for particular offices? A. That I cannot answer, only so far as I can answer for the William Penn Independent party, where I know that the party itself has not paid any expenses of any candidate, except in the Potter campaign, where I believe that, owing to peculiar conditions, the expense was assumed, and expenses contracted without authorization was assumed by the party committee.

Q. What do you know about the expenses of the candidates themselves for conducting a campaign for nomination? A. One thousand five hundred dollars is a high mark for nomination in Philadelphia for any office.

Q. Who organizes the fight for the candidate, the candidate himself or some party organization back of him? A. That largely depends whether a man is a candidate on the Republican, Democratic or William Penn ticket. In the Republican it is usually a

conference of leaders, who arrogate that a certain man shall be nominated and the man is nominated.

Q. Do you know of any instance in the city since this law went into effect where the supposed choice of the Republican organization was not nominated? A. The nearest approach to the defeat of the State nominee was in this last primary — Gibboney.

Q. Do you know of any instance? A. Not that I know of —

Q. Where an independent outside of the organization, so to speak — A. There might have been for an obscure office. I don't recall even for a councilman.

Q. What chance has a person who goes in not supported by any party organization to secure the nomination? A. Usually upon the Republican ticket about a 33 1-3 per cent. chance in Philadelphia — one-third of the vote — that is high.

Q. He does not have any actual chance of being nominated? A. Mr. Chase wants me to make it 25 per cent.

Q. By a personal fight? A. Yes.

Q. So that under this system of direct nominations the party organizations have in fact control of nominations in every instance, so far as your knowledge goes? Is that true of the Independent William Penn organization? A. No; but that trouble has largely come from the outside and from Republican interference.

Q. It has come from the other people than those identified with the William Penn party? A. For instance, in my fight, I put out a post card and I appealed to my personal friends and my personal friends got busy. It is done in that way. My experience has been that there was very seldom very strong opposition to the candidates — to the man who was most acceptable to the majority of the particular parties.

Q. What is the normal majority, so to speak, of the Republican party in this city, take at the national election? A. In 1905, the Republicans were defeated by 50,000. In November, 1906, the Republicans, in opposition to a Democratic and Fusion ticket, won by a majority of 12,000.

Q. You are referring to city politics? A. I will give you the governorship vote in that same direction, 1906, to finish what I was at — Stuart, Republican, 123,000; Emery, Independent, 91,000.

Q. In the national election last year, what was the Republican majority? A. I have not that vote here.

Q. About 100,000 in the city? A. Voice: More than that.

Q. So that in securing nominations a party with so large a majority might, as you have suggested, select the nominee of the other parties by sacrificing a portion of their own vote at the primary? A. Yes.

Q. If there was no contest in their own party they could with reasonable safety do that? A. Oh, yes. In one particular district, for instance, the Republicans nominated for Assembly or State Representative their candidates upon the Republican, Democratic, Socialist, Prohibition and City party tickets—they prevailed upon five tickets. The Republicans made the nomination upon the five different tickets.

Q. What I want to get at is this, in the party having a large majority, you say you do not know of any instance where the party organization has not succeeded in nominating its candidate? A. No. There have been many attempts.

Q. And that a minority party organization has not always succeeded in nominating its candidate? A. That's true.

Q. Not because of factional differences in the party, but because of the voting for candidates of that party by electors belonging to other parties? A. In most cases.

Q. There is no legislation that you can suggest to prevent that condition? A. Not that condition.

Q. Do you regard that as a result of the defective operation of this act? A. That, as I said before, is a most essential defect in the act; although I think we can tolerate that defect and work out a result that in time may overcome that. For instance, in the ranks of the Republican party to-day there is a largely increasing movement among the voters in opposition to raiding the nomination of the primary ballots of other parties largely. The Republicans have found that it don't pay, so to speak, in the end.

Q. That is a matter of party principle, or sentiment or party policy? A. Nevertheless, it has had an effect in shaping the operation of the law. In other words, when the law was inaugurated the point on the part of the Republicans was to get as much out of it as they could for present day gain. To-day, I

think, the sentiment is largely increasing to let anybody else alone and take care of themselves.

Q. How do you account for the multiplicity of candidates that you find upon the tickets sometimes? A. Nothing more than the tabulated result of the primary law convinces some men that they are not so largely popular as they think they are. (Laughter.)

Q. It is a case of individuality, is it? A. No, it is largely the number of candidates; it is largely the result of a desire for personal exploitation; the gentlemen who go in and seek a renomination, perfectly proper under this act.

Q. Notoriety or ambition of somebody? A. Notoriety or ambition on the part of some candidates to have their names printed there.

Q. Where a candidate seeks nomination in that way, state whether or not it is possible under this system for candidates that are not well qualified for the particular position which they seek to become candidates for the nomination? A. You mean, is it possible for a man who is not qualified to secure a nomination?

Q. Yes. Well, I don't say secure the nomination; I say, become a candidate for nomination? A. Oh, yes.

Q. If he should be sufficiently active in smaller communities and perhaps sufficiently lavish in the expenditure of money, he might secure a plurality of those votes? A. Yes.

Q. And does that sometimes happen in this system? A. Oh, yes; as a matter of fact, it has happened in one particular instance that I know of. For the unexpired term of school director, certain members of another party, alleged friends of the City party, wrote in the name of a lady of ill-repute as a candidate for school director on a primary ticket and that had a large effect in the ward.

Q. Was she nominated? A. Yes. There was no name printed in, rather written in, or no name in that blank space, and I think there was only one vote cast for the unexpired term for school director, and that I know was a vote in — and that woman became a candidate of the City party for that particular office.

Q. And was not elected, probably? A. I don't think so — I don't know; it was rather disastrous, though.

Q. She was the regular nominee of that particular party? A

The regular nominee, and her name was printed upon the official ballot.

Q. Is there no way to prevent that? A. None that I know of No.

By Chairman MEADE:

Q. Did that affect the vote on the other members of the party? A. Very largely. It was used as though the nomination had been purposely made.

Q. The law requires merely a plurality, I understand, to secure a nomination, and if there are a dozen candidates the man who gets the largest vote is the nominee? A. Yes.

Q. That, of course, may be a very small minority of all the votes cast? A. It very rarely works out that way.

Q. Why? A. Because the result is usually pretty well determined, except for minor offices.

Q. You mean, then, that it rarely works out that way because some one candidate is supported by a political organization? A. Yes, or has a large following.

By Senator McCARREN:

Q. Under the old convention system, did you have any primary governing the selection of delegates? A. No; they were elected as delegates under the rules of the various political parties.

Q. They were not subject to any primary regulations at all? A. No; they were party primaries without any — each party made its own rules — State regulation.

Q. Each party made out its own rules? A. Each party made its own rules. That was always attended by disorder, false returns, improper certificates of delegates and all sorts of trouble.

By Chairman MEADE:

Q. Did you try to amend that law or regulate the convention system before you passed this direct primary law? A. At the time the primary was enacted the City party, that is, the Independent, came into existence, in 1905, and their first real battle was a victory and it was as a result of that victory that this special session of the Legislature was called and the so-called reform legislation, the uniform primaries, the personal registration and corrupt practices law, and the Shearn law, were enacted, and we had

not very much experience with it before we were right into a situation where we could correct these things and have them enacted.

By Judge KNAPP:

Q. Was it conditions that prevailed in municipal politics that was largely responsible for the enactment of the direct primaries law, or was it conditions that prevailed in the State and national politics? A. I would not want to answer that question, because at that time and the time that led up to the enactment of this statute I was busily engaged in other kind of work.

By Mr. KNAPP:

Q. You have spoken more particularly of a municipal party, the Independent party, called the Philadelphia City party, the William Penn and so forth — that is a party which contests the right of the majority party to administer the affairs of the city? A. Yes.

Q. There is no such party as that in State or national politics? A. There was in State politics a Lincoln party at the time of the enactment of this statute.

Q. A Lincoln party? Do you know how many votes they polled? A. The Lincoln party in Philadelphia in November, 1900, polled 80,000; in February, 1906, polled 10,000; November, 1906, 58,000; and then went out of existence.

Q. Was that party agitators for the direct primary system as a cure for the ills? A. Yes, I think its leaders were, largely.

Q. Mr. Niles of York one of them? A. Mr. Niles of York. In fact, Senator Goebel and Senator White of the Committee of Seventy and Thomas Ryburn. All of them had been advocates of this reform legislation, and they were all active in both the State and city independent movements.

Q. At the time of its adoption did all parties practically agree to the adoption of the uniform primaries act at the special session of the Legislature in 1906? A. I believe the act before submission to the Legislature was amended to conform to the wishes of the Republican party, that is to say —

Q. It was a compromise act? A. Yes, a compromise act, submitted to Mr. Lane, I believe; I'm not sure.

Q. The expense is how paid — of conducting the primaries?

A. It is paid fundamentally by the county; the county is latterly reimbursed by the State, and the bills are then certified by the county commissioner and forwarded to the Auditor General and if approved by him a warrant is drawn for the total amount by the State Treasurer, usually for the total amount.

Q. So that, as a matter of fact, the State at large pays all the primary expenses in every part of the State, both for county, State and national delegates, and for municipal offices? A. That is right; yes.

Q. The expense of conducting the primaries of the city of Philadelphia must be paid by the State at large? A. That's right.

Q. Even for municipal offices? A. There is nothing in the act which makes it mandatory for the Auditor General to approve and State Treasurer to pay the bills which we forward.

Q. You, as county commissioner, have certified these items to the Auditor General and he to the State Treasurer, and there is now in dispute quite a large sum which the State has refused to approve and which we believe is a just item of expense. The State Treasurer returns to your assessor a check for the amount audited by them? A. The amount approved by him, yes.

Q. Can you give us the cost of conducting the primaries since the operation of the law in this State? A. I cannot give you the cost prior to coming into office.

Q. Did you take this office the first of the year? A. The last primary cost in Philadelphia county \$97,000.

By Chairman MEADE:

Q. That was the winter primary? A. That was in June.

Q. Can you tell us how many people participated in that primary? A. You can just add these: Fifty-four thousand, 61,000, 21,000, 16,000, Socialist about 1,000, and then a scattering vote and a Prohibition, the result of a contest.

Q. That large vote was for the district attorney? A. Yes, on the Republican ticket, 153,000.

Q. That was the largest vote cast at any primary since, was it? A. No, that does not; that about equals the primary vote in the first day.

Q. That was \$97,000 for conducting one primary in the win-

ter — primary cost? A. The winter primary cost a trifle less than that because the William Penn party was not then a party; in other words, it was born after the winter primary, or rather as a result of it.

Q. The William Penn party was another name for the Philadelphia party? A. Another name for the Philadelphia party and which required the printing of official specimen ballots, return sheets and such paraphernalia — 1,163 divisions — as it did for the other parties.

Q. Any combination of citizens that becomes a party by the process you have described can compel the printing and furnishing by the State of all this paraphernalia? A. If a party is launched by five electors preceding election, fixed number of votes at the next pre-emptors and polls, the automatically county commissioners, without any compulsory order, make it a party in the primary.

By Assemblyman PHILLIPS:

Q. Is that based upon a State vote or upon the vote of a subdivision of the State? A. No, it is based upon the largest entire vote for any office. It costs at the present time, excepting for printing bills, for registration and for primaries and for general elections, \$557,000 for the pay of assessors, registrars and of polling places and the pay of primary officers and the pay of general election officers around the polling places.

Q. Let us confine ourselves just to primaries. It has cost \$200,000 a year to conduct the direct primaries in the city of Philadelphia? A. Yes.

Q. That would make approximately \$600,000 for the three years since the law has been in operation in the primaries in this city? A. Yes, it may be less than that.

Q. What is your view as to whether or not this direct primary act has accomplished for the city and county of Philadelphia — good for the city administration suitable officers, etc.—that will compensate for the expenditure of that amount of money? A. I believe that the public confidence that comes with a renomination made under what might be called governmental supervision is worth a large item. This act gives a uniform privilege to every elector and to every candidate, which is worth something. It surrounds the voting at primaries with safeguards and privileges

which were not to be had under the old convention system, and it lessens, I believe, the domination of conventions by individuals. At least it lessens the domination of individuals in making nominations, that is to say, the influence of the individual exercised over the entire electorate is not nearly so direct as it would be on the floormaking the machine party, as I say, in behalf of his particular candidate of the convention. Since everyone there chosen in obedience to his orders and looking to him as a leading light in the particular organization.

Q. That is an argument which may be brought for the existence of the direct primary, as I understand you to say; but in this city will you state what particular officers have been nominated and elected as the result of the operation of this direct primary who would not have been nominated and elected by the convention system? A. I think that is too much to be covered in one answer.

Q. Strike out the whole question. The Republican party as I understand you to say was in a large majority in this city? A. Yes.

Q. The Republican party organization has nominated its candidates in every instance? A. Yes.

Q. Since this law came into effect, has the Republican organization elected its officers in all cases in the last three years? A. Yes, but they have not had as large a hand in the selection of the minority candidate as the other way.

Q. In case of non-partisan or bi-partisan boards, you mean? A. Yes.

Q. Then it follows that the Republican party organization has actually named the officers who administered the affairs of the city during the time that this direct primary has been in force? A. Yes, but they have not had so large a majority.

Q. Is it true that they have dominated in the selection of these minority officers? A. Oh, yes; very largely through the medium of the democratic organization.

Q. The object of all nominating systems is to select the best material for the administration of public affairs. Now you can say as a result of the working of this system in this city that that has been the result of the uniform primaries act? A. Yes; I think the personnel of the candidates has been better.

Q. That is, rather—you think then that the Republican organi-

zation have been compelled because of this act to select better men than they would have selected under the convention system? A. Yes, I can recall under the old convention system of 1905 they nominated a Republican—nominated the ticket, which in the face of a rapidly growing independent sentiment, they withdrew. They have not withdrawn so far as I remember at this time any other candidates nominated under the uniform primaries.

Q. What is your observation, does it tend to increase as to the effect, party organization of a law of this kind? Does it tend to strengthen or diminish it? A. Yes, I think it tends to increase the efficiency of an organization, particularly an independent organization, because it puts the organization on the mettle.

Q. The so-called Lincoln party has not lasted? A. Well, that was abandoned, that was organized for a State fight and when defeated for the governorship when there was apparent issue before it for the next three years they decided by agreement.

Q. And now in the case you speak of the Philadelphia party, the William Penn party, what has been the occasion of the change of name? A. The city party title was abandoned because the Republican organization named upon it its candidates for county commissioner either Mr. Bowman or myself. The Philadelphia party which was brought into existence and on which I was elected which became a party in November by the organization at the succeeding January primaries by the minority candidate for magistrate named Mr. Hobbs and the William Penn party was then launched and organized in three days to put on it the candidate that we desired to have nominated or elected.

Q. So that you have been obliged to change your name from time to time in order to meet these conditions, which you say are the result of the ability of one party being able to name the candidate of another under the system? A. Yes, we have done so and have elected the candidates that we desired to elect, notwithstanding the theft of the title in every instance.

Q. And still you say that is not criminal, that sort of thieving? A. It is pretty hard to catch a thief of that kind.

By Assemblyman CONKLIN:

Q. Public sentiment does not require a candidate shall regard himself as bound by the decision of the voters at the primaries.

Thus if he is defeated at the primary of his own party it is considered entirely proper and right that he shall go out as a candidate of another party at the general election? A. Yes; in the face of such figures as I am presenting here for Mr. Hogg—where there could not possibly have been as many qualified voters Philadelphia party electors as voted at the primaries who influence that primary result.

By Judge KNAPP:

Q. Do you know what the cost of the personal registration in Philadelphia last year was? A. In 1,160 divisions, at \$200 a division, it was \$232,000. That is with the pay of registrars, \$29,000 for the renting of division houses, \$12,000 for the payment of registration commissioners, \$6,000 for clerk hire, \$77,000 for printing miscellaneous supplies. That I think is all.

Q. About \$313,000? A. Why, yes; I should say approximately that.

Q. The \$600,000 that it has cost to execute this law in the last three years approximately was not an item of State wide expense prior to the adoption of this law? Was it any part of it? A. No.

Q. Under the convention system? A. No.

Q. The parties paid their own expenses? A. Before passing from the old convention system, when you ask me to define what I believe is one of the reforms that came out of it, I want to say that the passing of the representative capacity was one of the things done away with by this act. That is to say, where a man went to a convention instructed to vote for a particular candidate and then violated his instructions, there was absolutely no redress; whereas, in the primary election, each man is his own representative and casts his vote for his particular nominee as he sees fit. I think it is a matter of common knowledge that in conventions convened and adjourned and re-convened—that at the re-convened convention its votes have been changed by 50 to 100 at the re-convened convention.

Q. Is there any agitation here for the expansion of this system to the nomination of State officers? A. There is a slight agitation, but not great.

Q. It is not contended for by any party that you know? A. No.

Q. Is there any agitation for the reduction of the number of elective officers? A. How do you mean?

Q. Is it not a matter of general discussion that there are too many elective officers in the city and county under the operation of the elective system, rather than an appointive system? A. There is pending a constitutional amendment making it discretionary with the Legislature to provide a similar system for the appointment of election officers as is now in vogue for the appointment of registrars and that would be about 3,600 officers eliminating their nomination at the primary, and eliminating voting for them at the February election.

Q. Now you say there is some constitutional amendment pending? A. Yes, which will vest in the Legislature the power to provide that election officers shall be appointed, instead of elective.

Q. Can you state why that proposed constitutional amendment is pending? A. It is advocated, first, because of the success that has attended the personal registration board, and the high character of appointees; and, second, that under our system there is no redress from the arbitrary action of an election officer who is exempt from arrest on the day of election; and it is a matter of knowledge that election officers have committed arbitrary acts and the voters have appealed to the courts for an order removing an election officer and the court then in session to remedy those acts and the court has sent a court officer down there with a peremptory order to the election board, and the election boards have ignored that order. And, third, there have been instances of election officers convicted of crimes against the ballot have served their time and got out, and not having been deprived of their right of franchise have been re-elected to the old position in which they served when they committed the offense.

Q. Is that under the direct primaries act? A. Oh, yes.

Q. And the delegates are dominated by the organization, I understand you to say, practically when the organizations dominated the delegates? A. Another point suggested by Mr. Carr is that in many divisions the minority party is deprived of its minority inspector, or there is a candidate for inspector who is virtually a member of the Republican party by reason of the organization coming over and re-nominating on an independent ticket a candidate, you see, and at the election they see to it that enough votes are spared for that candidate to elect him and to make the election

board all of one party. Whereas, the law contemplated that there should be a minority representation.

Q. What party is in the majority in the Legislature? A. Republican.

Q. Largely? A. Well, I don't know. I don't know the figures on the Legislature.

Q. Was it a party vote that passed the legislation submitting the constitutional amendment wiping out the election of these election officers to the vote of the people? A. No, that was more by agreement.

Q. Common consent? A. Common consent between the committee of seventy and the Republican party agreed upon certain amendments.

Q. Then you would say, Mr. Gorman, that the result of the experience in the city of Philadelphia, with reference to the election officers, that the best men for those positions have not been secured by the process of election? A. Undoubtedly. I think the process of appointment is very much better.

Q. Notwithstanding the fact that the direct primary or uniform primary act has been used to select such officers? A. Well, you have got to consider a peculiar condition in arriving at a conclusion, and that is, in certain divisions in this city it is required that ten electors sign a primary petition to place a man's name upon the ballot for election officers and yet in those divisions at the next preceding general election there were not ten votes for the particular party, Democratic or Independent, William Penn, or whatever it may be, so it is not possible to secure a candidate in the primary election except by writing his name in where the request for an independent primary ballot is equivalent to a week's stay in the hospital, citizens are loath to take the chances in order to exercise their right of franchise.

Q. So that it is practically the agreement of all parties having the interests of the city at heart that something over 3,000 or 3,500 officers that are now elected, nominations for which are made under the uniform primaries act, ought to be done away with and these officers appointed? A. It is not so much because of the failure of the uniform primaries act, either.

Q. I did not say that. I did not mean to be understood so. I

merely say, it is the consensus of opinion these officers are better men to be secured by the appointive instead of the elective system?

A. Undoubtedly, because a responsible commissioner who examined the men would make them prove their qualifications, as they do in the case of registrars, whereas now it is merely a question of John Smith—he is acceptable to certain people in his division for office—having his name put on there for office in those particular divisions I said is not considered of enough importance to warrant being put up.

Q. Have you covered all the data and detail used in the board of registration? What is the salary of the county commissioners?

A. Five thousand dollars. Three county commissioners and four registration commissioners.

By Assemblyman PHILLIPS:

Q. How many of them are there? A. I am not sure of the salary being the same throughout the State.

By Judge KNAPP:

Do you audit claims against the county? What are the duties of supervisors? A. No, the county's accounts are audited by the comptroller. There is a single city comptroller for both bridges and repair of roads which are taken care of here by a highway bureau.

Q. Mr. Gorman, will you state whether or not any other abuses have grown up under the direct primary from your observation as a public officer and as a citizen? A. No, I think it is a pretty good system taken as a whole.

Q. You have spoken of the stealing of nominations by the dominant party? A. That is the most glaring weakness in the act. Mr. Carr suggested that it is the preponderance of the Republican party which makes it weakest here in Philadelphia.

Q. The preponderance of the Democratic party in New York City is about the same?

Senator McCARREN:

Yes, ordinarily, in municipal affairs.

By Judge KNAPP:

Q. Just this point, gentlemen. What is your judgment as to whether or not the presence of two at least party organizations of

approximately the same numbers or similar numbers in any municipality is or is not a good thing for the public welfare? A. I think a vigorous and real minority party is an essential and beneficial thing in a municipality.

Q. And if a minority party is not so far in the minority that its nominations can be dictated by the majority party the conditions ordinarily would be better? A. Well, then they would develop at the election.

Q. In other words, if there are two great political parties facing each other, one watching the other to see that the other behaves itself, better conditions are likely to prevail, probably for the better administration of public affairs? A. To both parties under this uniform primaries act.

Q. Then you do believe in party organization as a safeguard to get the selection of good administrative officers? A. Yes; party organization that is not dominated by selfish leaders. Some parties are and some are not. There are some summaries and comparisons that I have made with the statutes of Illinois and New Jersey that I can call attention to in just a few moments. Political parties in Pennsylvania are forced to nominate candidates under the act in private, for under its rules, while our rules prescribe that we shall not participate in state elections, yet on the Independent ticket in the primaries we are forced to nominate Congressmen, although we have absolutely no interest in their election.

By Assemblyman PHILLIPS:

Q. You say you are forced to nominate to Congress? Why? A. Because the act says that all candidates to be voted for at the November election shall be nominated at the Spring primary, and therefore we must nominate at the spring primary and Congressmen are to be voted and we are a political party under the act and therefore we must nominate Congressmen.

By Judge KNAPP:

Q. If you retain your identity you must nominate Congressmen? A. We must nominate all candidates for all the offices to be voted for.

Assemblyman PHILLIPS:

Q. Also State officers? A. Yes.

Q. That don't come under direct nominations? A. State officers are nominated by State conventions.

Q. But do you elect delegates to the State conventions? A. No, because that is under party rule.

By Assemblyman CONKLIN:

Q. Then at the same primary they might be voted for local officers in which your party would be interested, your local Independent party, and they might be voting for delegates to the State convention?

By Assemblyman PHILLIPS:

No.

By Assemblyman CONKLIN:

Q. All delegates to the State convention will appear on the State party ticket which might also have local candidates, and there would be no delegates of course upon your local Independent party ticket? A. For instance, in the last June primaries the Republican party had on its ballot candidates for district attorney, State Treasurer, registrar of wills and delegates to the State convention, and ward committeemen to be elected.

Q. Yes. On the William Penn party there were district attorney, State Treasurer, registrar of wills and ward committeemen in one-third of the wards, beginning with the first and every third ward throughout the city.

Q. Well, then, for instance, your part of the Republican party or the Democratic party who wished under local affairs to be identified under the William Penn party would thereby be barred from voting for the delegates. A. Of the State convention. Exactly so.

Q. And so he would be barred from voting in national years in the selection of delegates to the national convention?

By Mr. KNAPP:

Q. When you nominated candidates for this Independent party for Congress, what is the practice of the party, to support that candidate or vote according to their political preferment. A. Well, we ignore the fact of that particular candidate being a candidate.

Q. So you vote the Republican or Democratic party according

to your views of the assertion of some other principle. A. No, we vote the straight party ticket, regardless of what the Congressional nominee is, because we have here what we feel to be a greater problem than the national problem, that is the municipal administration.

Q. The organization of this Independent party which you speak of here has grown out of your view of the city situation entirely, has it not? A. Entirely, yes.

Q. And not the State and national situation? A. No.

Q. The only reason, then, for your existence is what you conceive to be the situation, the local situation, that demands — A. The domination of the Republican party by men who are at the same time the contractors and the men who carry out the city contracts. That is the fundamental evil.

Q. It is purely a local situation? A. Absolutely local.

Q. And of course you do not conceive as Republicans and well-wishing citizens you might not within the bounds of some particular party that is national in its scope and characteristics accomplish the same sort of results, perhaps? A. Well, that I can explain in this way: That even though in a particular division to which I have reference the printed candidates' names for ward committee, which are the governing officers for party organization, even those printed names received 40 votes and 100 votes were cast by stickers for independent candidates who desired to go into the Republican party; those candidates were not seated when the ward committee met.

Q. That was some particular occasion that you refer to? A. Yes; that is true all over the city. Saturday — by a case known as the Eighteenth ward case — where the court held that a political party is the same as a political party and can be the judge of its own practice. And therefore the men who at present dominate the organization will not admit of any encroachments, however slight, by the seating of ward committeemen who happen to prevail in the primaries. In other words, they simply ignore them and unseat them.

Q. Although they are elected at those primaries? A. Although they are elected at those primaries — the board of elections.

Q. The claim then is, as I understand it, that the party itself

is the judge of the qualifications of its own — A. The qualifications of its own members.

Q. So that the election of the ward committeemen by the direct primaries act is of no particular — accomplishes no particular good? A. No — that is, the Republican organization as at present dominated.

Q. Well, that would be true of any organization? A. Yes.

Q. If the court says that they are the judges of the qualifications of their own committeemen? A. But also speaking of the national parties. You ask me why didn't we go to —

Q. No, I don't mean under this — A. (continuing) The Republican and Democratic parties and seek reform within the party.

Q. Whether that could not be done? A. There has been considerable agitation here as to whether that is a good method or not.

By Mr. CONKLIN:

Q. Your idea in organizing the Independent party is that you desire to wean the voter away from his allegiance to the national party when only municipal affairs are at stake? A. Exactly.

Q. I believe in some of the western states it has been proposed, has it not, that candidates even should be prohibited from running under national party designation for local affairs? A. As to that, I don't know.

Q. Well, now, if that is your purpose, in your opinion, as direct nominations have a tendency to strengthen the national party in local affairs and to weaken independent movements, does it not have a tendency to attract the voter into the party organization where he thinks he may accomplish the party reform and thus wean him away really from the independent movement? A. Not particularly. In Philadelphia you could not. You cannot in Philadelphia lay down any hard and fast rules that will prevail for any particular length of time. That is to say, it is an ever changing condition which develops different results. For instance, while our party primary vote was 21,000 last time, it has been as low as 6,000 in a presidential primary.

Q. Would not the ordinary citizen who in times gone by looked upon his party organization as a close corporation and therefore leaning to some independent municipal party, would he not have a tendency when he is permitted to go in under direct primaries

and have some voice or more directly in the control of his organization, to stay in that organization and develop it? A. Yes, that would under normal conditions or without any feeling — Philadelphia is very slow to wake up to a situation; but it don't need — it don't need to be beaten over the head twice. When he gets inside of the Republican party — to make him stay out the second time. In other words, when a man goes to the trouble to secure his election as a Republican ward committeeman and is then, through the medium of the police, prevented from voting in the hall where the ward committee meets to organize, he won't the next time make an effort to secure the election to the Republican ward committee.

By Senator McCARREN:

Q. Do I understand you to say that under the uniform primary system that the election officials chosen have been convicted of crimes against the ballot and have been imprisoned for it? A. Yes, there have been cases of that kind.

Q. Many? A. Not many, no. That is — that is cited simply as an extreme case of what could be done under the act.

By Judge KNAPP:

Q. And then re-elected afterwards? A. Yes.

Assemblyman CONKLIN: And then re-elected thereafter?

Senator McCARREN: Yes.

By Assemblyman PHILLIPS:

Q. Under this present primary act? A. Yes. I collected statistics of thirty election officials who had been recently convicted of election crimes and then imprisoned, and I think of that number five or six or possibly ten had their names printed upon the primary ballot just at that particular time. It is about a year ago.

Q. And were they nominated and elected? A. Yes, some were and some were not. Some were withdrawn.

By Senator McCARREN:

Q. Can you call to mind any instance of indictment and conviction and imprisonment prior to the adoption of the primary law? A. No, I did not get —

Q. Can you call to mind any similar case prior to the passage

of this law? A. No, no. I cannot recall that because I did not make it the subject of investigation.

Q. Well, you don't know of any? A. No; there may have been, but I am not familiar —

Q. I understood you to say that you thought the character of the public officials had been improved under the operation of the direct primary law? A. Well, I am speaking more of the county and larger city officers where the State-wide interest does not reach into the divisions, you know.

By Judge KNAPP:

Q. What is your view as to the minor officers, the division into the district, in that respect — whether the character has been improved any by this direct primary system? A. Well, it has in some cases and it has not in others.

Q. No rule about it? A. It has improved it in the independent wards and it has not improved it in the river wards, in the organization wards. Just to go on: There is no cumulative vote in the Pennsylvania act as there is in the Illinois act, I think. That is to say—you cannot vote—you cannot lump your five votes for candidates where there are five to be voted for.

Q. There is not in Illinois now, you know? A. No; that has been declared unconstitutional. There is no official record kept here of the ballots asked for.

By Judge KNAPP:

Q. Just upon that proposition, the votes cast upon the different tickets for the same candidate, for the same office, are not counted—are not all counted for him, are they? A. You mean they are not lumped? They are counted separately as to the candidate.

Q. He must have a plurality upon each ticket—in other words, in order to get a nomination—— A. Yes. The Republican count and the Democratic has a separate identity.

By Senator MCCARREN:

Q. This instance you speak of for conducting the primary law, that refers to the city of Philadelphia alone, does it? A. That is the city and county of Philadelphia alone.

By Judge KNAPP:

Q. The lines of which are coincident? A. Coincident, yes.

There is no provision here that requires a maximum number of on the primary petition.

Q. As in Massachusetts? A. Yes. The manner in which the papers are to be filed is not surrounded by any rigid restrictions. It simply prescribed that they shall be filed on a certain day. There is no provision here that requires a maximum number of signatures. In one case where fifty signatures were required, 8,000 were filed.

Q. No provision against a maximum? A. No provision against a maximum. It simply deals with a minimum. There is no provision in this act, as I said, to permit a division to nominate or place a name on a primary ballot in a division which has a less number of votes than is required — number of signers on the petition — that is to say, where the vote of the division is five there is no exception made; they must produce ten even though five is the greatest number that qualify.

Q. One question I do not want to forget — I think it has substantially come out — has it not been, to quite a large extent, the practice of the minority party, we will say the Democratic party in this State, to vote the Republican primary ticket, where there were contests in the Republican party? A. No; I think it has been rather the practice of the Republicans to vote in the Democratic primary and election column and aid the Democrats in first nominating, and secondly, electing its chosen minority candidates.

Q. That is, where there must be some minority voice? A. Yes.

Q. Or minority party — what I am speaking of, suppose there was a contest in the Republican party — a hot contest in the Republican party between two factions of the party or two individuals of the party for a particular office, what has been the practical experience here with reference to the voting of the members of the other party for the ticket of the Republican party? A. The Democrats never had enough primary votes to spare. They need all they can get to protect themselves.

Q. They do not have any particular contest, do they, for nomination in their party, do they? A. Oh, yes; some times.

Q. Where there is any possible hope of election, is there much difference? A. Oh, yes, yes.

Q. Just for the honor of being on the ticket? A. For the honor of being on the ticket.

By Assemblyman HOWARD:

Q. Mr. Gorman, is it your judgment that the number of electors who are required to sign petitions under your act is large enough? A. Well, that depends, I believe it would be better to have the candidates for ward officers increased to twenty-five, instead of ten. In other words, it hardly seems to be a parallel to require so many signers to a primary petition for inspector of election, as it does for the office of select councilman, of which there are only forty-seven in the city.

Q. Well, ought a primary ticket be encumbered with a lot of names to be voted for at the primary, unless there are a material number of people in his one political subdivision that want him to be a candidate? A. There is an argument along that line, yes. There are those two points in regard to the challenge and affidavit. There is no provision in the Pennsylvania act relative to the past voters and there is also no provision in the act relative to the form of the affidavit to be taken by an elector of a party which was created subsequent to a November election. That is to say, the William Penn party was created at a February election. At the subsequent June primary no challenged William Penn elector could say that he voted for a majority of the candidates of the William Penn party at the next preceding election, because there was not a William Penn party at that time.

Q. How can you legally vote then at the primary? A. Under the advice of counsel we printed a separate form of affidavit, which permitted the man to vote, the opinion being that the act intended that every party should have the right to make its nominations, and that, therefore, it would not be in conformity with the name to prevent any challenged elector who had the privilege on affidavit from voting and that form reads after the primaries he voted for a majority of the William Penn party, for which ballot he now asks, that party not having had any candidates to be voted for at any general election makes this specific exception.

Q. Was there any reason advanced at the time of the agitation of, and passage of, the uniform bill in Pennsylvania, as to making it apply to the State officials, or any reason why it— A. I cannot tell you very much about the history of the act.

Q. What is your judgment, is it, or is it not, a good thing for State officials — your personal judgment? A. I do not see why there should be any reason for not — the provisions of the act — why it should not extend to State officers.

Q. In your judgment could the party machinery have been regulated so that many of the evils could be overcome where they were not governed by statute at all, other than the direct primary system. In other words, could the Legislature have regulated or coupled the party machinery so that when a man was elected he must be seated other than by direct primary? A. No; I do not think so, because the uniform primaries act is a statute made for the whole people. The party rules were made for the particular people who were most interested at that particular time in perpetuating their rule over the particular party. In other words, while one is a statute framed for the whole State, the party rule is a rule framed at this particular time to serve the needs of a particular few people.

Q. Is it possible for the State to regulate those party rules by statute so as to do away with some of the abuses which you say exist?

By Chairman MEADE:

Q. A general act applying to all the parties? A. Well, I am not a lawyer, but I doubt very much. It would be for the State — whether the State could enact a thing or any regulation — what should go into a party rule.

Q. Well, they do it in other states?

By Judge KNAPP:

Q. They do here, as far as the election of committeemen, etc., is concerned? A. Oh, yes; the party rules. The old system was supplemented by innumerable decisions of the court that practically made a law in itself.

By Assemblyman HOWARD:

Q. Mr. Gorman, what is your opinion — your judgment — of the adoption of direct primaries similar to one used in some counties of our State, known as the enrollment, which requires that so many days before election every man must appear there in person — in some counties he has to appear in person and in

other counties it may be done by proxy — and declare that he is a Republican, a Democrat, a William Penn, or Prohibitionist, there being no restriction but that he may not the next year declare that he is a Prohibitionist if he declares he is a Republican the year before and he must declare it so long before the primaries in order to take part? A. That would only be imposing an additional burden upon the elector, whereas, I think it is only fair to the elector to give him every chance that you can to take part in the selection of his party nominees and in voting.

Q. Do you believe, Mr. Gorman, that a man ought to have a right, as conditions may vary a little, to change his party affiliations and take part in other deliberations and nominations as frequently as he wishes? A. No; I do not believe that a man should have the privilege of changing his party affiliations, nor do I believe that his party affiliations should be determined by what he intends to do in advance. I believe the only safe way is by determining what he did some time in the past — what was his deliberate act.

Q. The determining of his party affiliations, should his party nominate a man that he considers unfit, does not prevent his voting for a man he wanted at the election? A. No.

Q. He should be permitted to determine at any time which party he wants to assist, in nominating their candidates? A. No; I believe he should be committed to the party, although you cannot lay down in the statute a hard and fast rule as that. In other words, this Pennsylvania statute gives to every political party through its representatives at the polls the right to inquire into a man's qualifications. In other words, if a man is challenged he must prove his qualifications, and if the party is virile and has its representatives there it can very quickly inquire into the qualifications of the man who desires to vote.

Q. Yes; but suppose the Republican party had twenty watchers at the primary and that they were satisfied that a man who came up and asked for a Republican ballot, that he voted the Democratic ticket the year before that, they would have no way to dispute it? A. But you will find there are very few — well, you might say very few — but there are not a great percentage of people in a community who will willingly and brazenly commit a perjury, even if they cannot be detected.

Q. Are you aware of the fact that in this State, that at the June primaries, in a certain county, one man was elected both as a delegate to a Republican convention and as a delegate to the Democratic State primary? A. I can imagine that is true. It might be done. Of course, it must be understood, gentlemen, that all that I have said is not, in any sense in a representative capacity, but simply represents my individual views. I do not represent my colleagues as to what I have said as to the administration of the office and the statement of things, that being a matter of record.

By Assemblyman CONKLIN:

Q. In the absence of a convention how are party principles set forth and party platforms? A. Oh, by promulgation of the platform by the central committee or city committee. In the William Penn party the city committee promulgates the platform.

Q. Before or after the primaries? A. Before the primaries they can be promulgated either individually; it might be prior to the primary.

Q. Suppose they objected to a party platform after they became the nominee? A. That depends upon what party the candidate is in.

Chairman MEADE: Mr. Gorman, we do not want to tire you out. You have had a pretty long session.

Mr. GORMAN: I am afraid you are getting tired.

Chairman MEADE: No, we are not.

By Assemblyman CONKLIN:

Q. In your opinion could these abuses arise under the delegate and convention system in the same way as they arise under the direct nominations system? A. Well, there are records in Pennsylvania of that having been done. Undoubtedly in the Union party, where the convention was stolen by Jimmie Sheehan and William R. Knight, the present Republican officeholders. The Union party was then the independent party, and that whole party convention was robbed and with police —

Q. You say they elected delegates of the other party and primary, the same as now they elect and nominate? A. Yes; simply went in there and with the aid of the police robbed the convention and elected themselves members.

By Judge KNAPP:

Q. Were the delegates themselves members of the opposition party by which the convention was being held? A. I am not familiar with the details — only with the result.

Q. One question I want to get at here is if, as you say, the courts have held the political party is the judge of the qualifications of its committeemen, would it not be better to allow such party to name its own committeemen as a voluntary political organization, just as you now name the officers of your party, without having them upon the primary ballot for election, and avoid that kind of scandal? A. Yes, we have the William Penn party and its officers are at the same time officers of the city and Philadelphia party, and we have carried out just your suggestion of handling the city of Philadelphia party.

Q. Ward committeemen? A. And we have interpreted the act to mean that it is optional with the party, under its rules, to elect ward committeemen or appoint them. That is to say, the act says after all that [indicating] (I can't find it) — but that is the interpretation that we have put upon it — that if our rules provide that ward committeemen shall be upon it — that we have that privilege under the act.

Q. Whether you shall sign those names as candidates — or whoever prepares the ballot — or not? A. Yes.

Q. And if you don't you cannot elect them? A. Provided your rules provide that your committeemen shall be appointed in some other way. Otherwise, I think if your rules provided that they should be elected, that a mandamus would issue to compel the chairman to certify as of the proper date —

Q. Now, with reference to the material which you have there — I do not know whether you have it in shape so that you can give it to the Committee, or whether you would rather put in the whole thing to-morrow? A. It is immaterial to me.

Q. We will be here to-morrow.

Chairman MEADE: If there is nothing further, we will adjourn to to-morrow morning at 10 o'clock.

By Assemblyman PHILLIPS:

I would like to ask one question, if it is his personal judgment — I do not know whether or not you have brought it out — do you

think, Mr. Gorman, that the character of the nominees of the Republican party, which is the dominant party in Pennsylvania, has been materially improved over the character of the men chosen under the convention system? I am speaking now of the nominees of the party? A. Yes, I think so. Not a very radical improvement; but I think it is an improvement. In other words, I do not think —

Q. You think it has forced the leaders to nominate better men?

A. Yes. I do not think the leaders would attempt in the face of the existence of a known independent sentiment to force upon the people men who have been undoubtedly bad in the conduct of office.

By Chairman MEADE:

Q. Would they not be, under the convention system — would not they do it just as much as under the convention system — and that would be the case under the — A. Yes.

By Judge KNAPP:

Q. So that the result in either case would be the same? A. Well, yes, for they did it under the convention system and were afterwards compelled to withdraw. You could argue the result to be the same. (Laughter.)

Q. It is public sentiment, isn't it, that compels the procuring of responsible candidates under any system? A. In other words, it largely depends upon the condition of the public sentiment in the community. If the community sentiment is alive and awake and vigorous in its position, you will find always that the leaders will bow to that sentiment.

Chairman MEADE: Under any system.

By Assemblyman PHILLIPS:

Q. Do you, Mr. Gorman, think that there is the same opportunity under this direct nomination plan for the office to seek the man as there is under the convention system? In other words, isn't it the man seeking the office under the direct primary plan? A. (Laughing.) I have rarely seen the office running around after the man.

Chairman MEADE: Well, Mr. Gorman, we want your opinion.

A. Well, it is simply a reciprocal proposition — a man wants the office and the office, voices my opinion, is a thing which needs the man.

By Assemblyman PHILLIPS:

Q. What I was getting at, Mr. Gorman, I assume there have been instances in the State of Pennsylvania — I do not know — there have been in the State of New York, where a convention system — the delegates — have selected a man at the convention for an important office whose name was never heard of — the man himself was invited to take the office. Do you think there is that same opportunity to do that under the direct primary system, where the man himself — A. I think the chances of nominating the man is greater, because if the required number of people place his name upon the primary ballot, then there is a chance to investigate a man and advance his good points, and know that this man is a better man than the other man; whereas under your convention system his name is sprung by a man who has the confidence of the convention, and it is not so much because the convention believes that the man who is proposed for nomination is a good man, because some such a man was nominated, but because somebody advances his name and vouches for him.

Q. Does not, very many times, a convention seek a man they think was the strongest man they could nominate, because the man himself would not seek the office? A. Rather would it not, on the other hand, be possible to do that in the primaries. It has been done. Gibboney did not seek the nomination. He was asked to.

Q. Well, supposing that man would not consent — would not want to go out and send out circulars? A. Well, he would not have to.

Q. Tell what a good fellow he was? And here is another man comes up who has the same opportunity — he comes on the ballot by having the required signers and he has a lot more money to hire newspapers — A. He would not have to do that. The Corrupt Practices Acts provide that political committees may be organized, and they have the candidacy of particular individuals; that is contemplated in the Corrupt Practices Act.

Chairman MEADE: We will stand adjourned until to-morrow morning at 10 o'clock.

EXHIBIT NO. 1 — Philadelphia, Pa.

No. 10.

AN ACT

Providing a uniform method of electing certain party officers and delegates to the state and national conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions.

SECTION 1. Be it enacted, etc., that this act shall be known, and may be cited, as the "Uniform Primaries Act."

SECTION 2. From and after November first, one thousand nine hundred and six, two primaries shall be held each year, in every election district of this commonwealth in which nominations are to be made or delegates or party officers elected, as herein provided. One shall be held on the fourth Saturday before the February election, to be known as the winter primary; the other shall be held on the first Saturday of June — except in years which a president of the United States is to be elected, in which it shall be held on the second Saturday of April — to be known as the spring primary.

Delegates to state and national conventions, except delegates-at-large to national conventions, which shall be elected by the state convention, shall be elected at the spring primary, throughout the commonwealth, by any party or body of electors one of whose candidates, at either the general or February election preceding, polled two per centum of the largest entire vote cast in the state for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by national or state conventions, shall be nominated at the spring primary. Candidates for all offices to be filled at the Feb-

ruary election shall be nominated at the winter primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at either or both primaries, or by any political party or body of electors one of whose candidates, at either the general or February elections preceding such primary, polled two per centum of the largest entire vote cast, in the political district in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to state or national conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act; provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of presidential electors at primaries, if the rules of the respective parties so provide.

SECTION 3. On or before the ninth Saturday preceding the spring primary, the secretary of the commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of congressmen and officers of the commonwealth, not nominated by state conventions, to be elected or voted for therein at the next succeeding general election.

On or before the same date, the chairman of the state committee of each party shall send to the county commissioner a written notice, setting forth the number of delegates to be elected in each county to the state and national convention of such party.

On or before the ninth Saturday preceding each primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the state and national conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

SECTION 4. Official primary ballots for each party shall be prepared by the county commissioners. These ballots shall be printed on white paper of uniform quality, and shall be uniform in size, style of printing and general appearance.

The ballot for each party shall be in the following form:

..... PRIMARY BALLOT.

(Name of party.)

..... district, ward, city of,
county of, state of Pennsylvania.

Primary held on the day of, 190...

Make a cross (X) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose.

DELEGATES TO STATE CONVENTION.

(Vote for)

John Doe (favors Thomas Smith for governor).....
Richard Roc
John Stiles (favors Henry Jones for governor).....

MEMBER OF CONGRESS, District.
(Vote for one.)

John Doe

Richard Roe

John Stiles

STATE SENATOR, District.
(Vote for one.)

John Doe

Richard Roe

John Stiles

DISTRICT ATTORNEY.
(Vote for one.)

John Doe

Richard Roe

John Stiles

PARTY COMMITTEEMEN.
(Vote for)

John Doe

Richard Roe

John Stiles

(And on the back of such ballot shall also be printed in prominent type the name of the party.)

The ballot shall vary in form only as the names of offices or candidates may require. The names of the candidates shall appear in alphabetical order under the respective parties' offices. The voter may designate his choice, as is indicated by the instructions shown on the form of ballot above set forth.

Each candidate for delegate shall have the right, by filing a request with the county commissioners, to have printed at the right of his name upon the official ballot, in the space provided for that purpose, the name of the candidate whom he will support in the convention.

SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for congress or for state offices, shall be filed, at least four weeks prior to the primary, with the secretary of the commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, judges of the various courts, and State senators, two hundred qualified electors.

2. Candidates for nomination for members of the state house of representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to state and national conventions, and for party offices, ten qualified electors.

SECTION 6. The secretary of the commonwealth, immediately after the filing of the said petitions with him, shall forward to the county commissioners of each county a correct list of the candidates of each party for the various offices, as contained in such petitions.

The county commissioners shall have on file in their office, at

least one week preceding the primary, open to public inspection, forms of the ballots with the names printed thereon, which shall be used in each election district within such county.

SECTION 7. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, that the county commissioners shall furnish such additional number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of any party; such request must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

The county commissioners shall prepare, and furnish to the election officers at the primaries, such ballot boxes, properly numbered for each election district, list of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish, by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling-places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting booths, as at elections.

SECTION 8. The primaries shall be conducted by the regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of election shall have the right to appoint

clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law.

The polls shall be open between the hours of two post meridian and eight post meridian: Provided, that all persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary election, only between the hours of one o'clock post meridian and nine o'clock post meridian.

Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provisions of this act or are not inconsistent with its terms: But, provided, that no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot.

SECTION 9. The county commissioners shall keep an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the auditor general, who, if he finds the same correct, shall draw a warrant on the state treasurer, for the proper county, for the amount so approved, which shall be paid by the state treasurer out of the money in the state treasury not otherwise appropriated.

SECTION 10. The qualifications of electors entitled to a vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity on election day.

Each elector shall have the right to receive the ballot of the party for which he asks: Provided, that if he is challenged, he shall be required to make oath or affirmation that, at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks.

Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law.

SECTION 11. The ballot boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of elections.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and when said count is finally completed, they shall certify in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon petition of ten qualified electors of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the duty of the county commissioners to open the ballot box of the said district and to recount the

votes. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, that in case of a contest of delegates to a state convention, such contests shall be determined by the state convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of congress or for state officers to the secretary of the commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least forty days prior to the election.

SECTION 12. Candidates for offices of the commonwealth, to be voted for by electors of the state at large, shall be nominated by the state conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the votes of the party electors at the spring primary shall be the duly elected delegates to the respective state and national conventions. Said state conventions shall be held not later than one week after the date of the primary, in accordance with the rules of the respective parties. Candidates for nomination as provided herein, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law.

Candidates for party offices, who receive a plurality of the votes cast for such candidates, shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the secretary of the commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or hereafter may be provided by law.

SECTION 13. Each candidate shall be entitled to have two watchers at the primaries, as at elections, only one of whom shall be entitled to be within the polling-room at one time. Their rights, duties and method of appointment shall be as at elections. Each party or candidate may, at any time before the primary, present a petition to the court of common pleas of the proper county setting forth the fact that it or he has reason to believe that in a certain district, or districts, fraud or unfair methods may be attempted; and, if, upon a consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots.

SECTION 14. Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, as indicated by this act, or who shall vote or attempt to vote more than once at a primary, or who shall have unlawfully in his possession an official ballot, outside the polling-place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No officer in commission, whether in uniform or in citizens' clothes, shall be within one hundred feet of a polling-place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants, or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court.

Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided for offenses committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act.

SECTION 15. All laws or parts of laws inconsistent herewith are hereby repealed.

Approved — The 17th day of February, A. D. 1906.

SAM'L W. PENNYPACKER.

The foregoing is a true and correct copy of the act of the General Assembly, No. 10.

ROBERT MCAFEE,
Secretary of the Commonwealth.

EXHIBIT NO. 2 — Philadelphia, Pa.

REGISTRATION.

AFFIDAVIT AS TO PAYMENT OF TAXES.

(This form to be used when elector cannot produce Tax Receipt.)

STATE OF PENNSYLVANIA, }
COUNTY OF PHILADELPHIA, } ss.:

I,, being duly sworn (affirmed) say that I have paid a State or County Tax within two years which was assessed at least two months and paid at least one month before the election of February (November), 190.., in the county of in the State of Pennsylvania, to the Collector of Taxes for said City (County), who gave me a receipt therefor, which has since been lost or destroyed.

Sworn (affirmed) and subscribed before me this
..... day of, A. D. 190..

.....

(To be signed in duplicate.)

EXHIBIT NO. 3 — Philadelphia, Pa.

REGISTRATION.

VOUCHER.

(This form to be used by the Voucher for residence of person challenged.)

COMMONWEALTH OF PENNSYLVANIA, ss.:

I,, being duly sworn (affirmed), say: That I am a registered voter of the.....

..... Election District of the Ward, in Philadelphia County, and that I know, who now claims the right to be registered therein, and have known him for and upwards, and that said claimant has resided in said election district, in the house of, since September 5th, 1907, or prior thereto.

Sworn (affirmed) and subscribed this day of, before me.

.....

(To be made out in duplicate.)

EXHIBIT NO. 4 — Philadelphia, Pa.

REGISTRATION.

CHALLENGE AFFIDAVIT.

..... Election Division Ward.

CITY OF	} ss.:
STATE OF PENNSYLVANIA.	
COUNTY OF	

What is your full name?

Are you married, or single?

If married, where does your family reside?

.....

If single, where do your parents reside?

Where did you actually reside immediately prior to taking up your present residence?

Give your residences for the last four months?

What is the name of your present employer?

Where is his place of business?

What is the name of your last employer?

Where is, or was, his place of business?

Have you read the information given by you, as recorded in the register?

I, the undersigned, do solemnly swear (affirm) that I have read the information recorded opposite my name in the register of the Division of the Ward, on page, and that said information, as well as that recorded in this affidavit, is the truth.

Sworn (affirmed) and subscribed this

day of 19..

(Signature of Applicant.)

.....

Registrar.

REGISTRARS' DESCRIPTION OF APPLICANT.

Distinguishing marks

Other peculiarities

Color of hair

Number of Affidavit

.....

.....

.....

.....

Registrars.

(To be made out in duplicate.)

EXHIBIT NO. 5 — Philadelphia, Pa.

REGISTRATION.

AFFIDAVIT AS TO NATURALIZATION.

(This form to be used when an elector was born in a foreign country and his parent was naturalized before the elector was 21.)

STATE OF PENNSYLVANIA, }
CITY OF PHILADELPHIA, } ss.:

....., being duly sworn (affirmed), deposes and says that his father,
....., was duly naturalized as a citizen of the United States when he the said

..... was under 21 years of age, and that he is unable to produce his father's naturalization papers.

Sworn (affirmed) to and subscribed before me this
..... day of, 1907.

.....
Registrar.

(To be made out in duplicate.)

EXHIBIT NO. 6 — Philadelphia, Pa.

REGISTRATION.

AFFIDAVIT OF INABILITY TO WRITE.

(This affidavit need not be used when there is an apparent physical infirmity.)

STATE OF PENNSYLVANIA, { ss.:
CITY OF PHILADELPHIA, {

....., being duly sworn (affirmed), deposes and says that he is unable to sign his name in the Voting Check List because of his inability to write, and hereunto makes his mark.

.....

his mark

Sworn (affirmed) and subscribed before me this
..... day of, A. D. 190..

.....
Registrar.

EXHIBIT NO. 7 — Philadelphia, Pa.

REGISTRATION.

AFFIDAVIT STRIKING OFF NAMES ON ACCOUNT OF REMOVAL OR DEATH.

No.
..... Election Division Ward

CITY OF PHILADELPHIA, }
STATE OF PENNSYLVANIA, } ss.:

..... and,
(Name.) (Name.)

being duly sworn (affirmed), depose and say that they are duly qualified electors of the Ward of the City of Philadelphia, and that they were acquainted with , who was duly registered as an elector from the Division of the Ward in said city on and that the said so registered, died or has removed from the said district since the last registration. and subscribed before me this day of, A. D.

.....
First Elector.

.....
Second Elector.

(N. B.—To be sworn to by two electors of the Ward and signed in duplicate.)
Affidavit No.

EXHIBIT NO. 8 — Philadelphia, Pa.

**THE PERSONAL REGISTRATION ACT OF 1906 AND
AMENDMENTS OF 1907.**

(Special Edition.)

PHILADELPHIA REGISTRATION COMMISSION, 1908.

This special edition of the Personal Registration Act of 1906, as amended by the Act of 1907, has been prepared for the use of the Registrars appointed in accordance with its provisions and intrusted with its enforcement. Those parts of the Act relating to the Board itself, and having no bearing on the act of registering voters, have, for convenience sake, been omitted.

The Board will sit at its office, Room 650, City Hall, on the days of registration to answer questions and give further instructions to those seeking it.

CLINTON ROGERS WOODRUFF,
Chairman.

JOHN CADWALADER, JR.,
Secretary.

GEORGE G. PIERIE,
J. HENRY SCATTERGOOD,
Board of Registration Commissioners.

PERSONAL REGISTRATION ACT.

SECTION 1. Be it enacted, etc., this act shall be known, and cited, as "The Personal Registration Act" in cities of the first and second classes.

DEFINITIONS.

SECTION 2. "Commissioners," as used herein, has reference to the registration commissioners; "oath" includes affirmation, and "swear" includes affirm, wherever used.

All references to public officers or municipal authorities where not otherwise specified, shall be understood to refer to the authorities of the proper county or judicial district.

"Party," as used herein, has reference to a political party which, at the last election polled two per centum of the vote cast in any city or election district for the candidate receiving the largest vote therein.

"Register" means the book containing, or to contain, the registry list of electors, prepared by the registrars.

"General Election" means the election held in November.

CHANGE OF POLITICAL FAITH.

The commissioners shall provide at all times a board of registrars, not more than two of whom shall be of the same political faith.

If, therefore, it appears at any time that, by reason of a change in political affiliations or because of error in the appointment, a board is not so divided, any ten electors of the ward may file a petition with the commissioners, setting forth the facts, and praying that one or more of the appointments may be revoked, and that other appointments may be made. The commissioners shall grant a public hearing, and if they find the facts to be as represented, shall give the relief asked for; but no registrar shall be removed merely because his party, at an election following his appointment, has polled a less number of votes in the district than two other parties.

CANDIDATES INELIGIBLE.

No person who holds, or is a candidate for, a public office shall act as registrar.

Two of the said registrars, one of whom shall be of the majority, shall be designated by the commissioners to have charge of the registers, as hereinafter provided.

SERVICE REQUIRED.

Any person appointed a registrar must perform his duties prescribed by this act, unless excused therefrom by the commissioners, for cause shown.

COMPENSATION OF REGISTRARS.

The registrars shall receive a compensation of ten dollars per day for the time actually spent in registration.

REGISTRATION DAYS.

SECTION 6. The registrars of each division shall meet at the polling place thereof on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding every November election and on the fifth Saturday preceding every municipal election, and on the day of the spring primary, and shall remain in open session from seven ante meridian to ten ante meridian and from four post meridian to ten post meridian of each registration day.

POWERS AND DUTIES OF REGISTRARS.

They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered.

They shall have power to administer oaths, shall examine said applicants under oath, and shall record on the registers the names of those whom they shall determine to be qualified as hereinafter provided.

SECTION 7. Every person claiming the right to vote must appear in person before the registrars, in the district in which he lives, on one of the days prescribed by law, and answer the questions put to him by them.

REGISTRARS.

These answers must be recorded on a single line, in two registers, which shall have the form determined by the secretary of the commonwealth.

INSTRUCTIONS ON REGISTRATION FORM.

Immediately after the form shall be printed the following instructions: The applicant must be sworn or affirmed that the information given by him in reference to his rights to be regis-

tered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

MANNER OF REGISTERING ANSWERS.

Every register shall be indexed alphabetically from A to Z.

The answers of the applicants shall be recorded in their presence, in both registers, in the following manner:

In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname.

In the second column shall be entered his christian name or names.

In the third column, his occupation.

In the fourth column, the street and number of his residence.

In the fifth and sixth columns, whether he is a lodger, lessee or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies.

In the seventh and eighth columns shall be entered the length of his residence in the state and district, respectively.

In the ninth, tenth, eleventh and twelfth columns, the location of the house from which he last registered, giving state, city, street and number, respectively, and the year in which he so registered.

In the thirteenth column, the state or territory of the United States, or the foreign country, where he was born.

In the fourteenth column, whether, being foreign born, he produces his naturalization papers.

In the fifteenth column, the number of the affidavit of naturalization of his father if taken.

In the sixteenth and seventeenth columns the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age the word "age" shall be recorded in the seventeenth column.

In the eighteenth, nineteenth, twentieth and twenty-first columns, his personal description, designating whether white or colored, his approximate age, height and weight.

In the twenty-second column in the register marked "voting check list" he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless his inability is due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write.

In the twenty-second column in the register marked "ballot check list," he shall, if challenged on election day, be required to sign his name.

In the twenty-third column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit.

In the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns, the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at a general, municipal, primary or special election, as hereinafter provided, or as may hereafter be provided by law.

RIGHT OF REGISTRATION.

SECTION 8. Every person who possesses the qualifications of an elector, as provided in the constitution and laws of this commonwealth (that is every male citizen twenty-one years or over, who has been a citizen of the United States at least one month and who has resided in the state one year, or, if having been a qualified elector or a native born citizen of the state he shall have removed therefrom and returned, then six months, and who has resided in the election district at least two months before the election, and who, if twenty-two years or upwards, has paid a state or county tax, which shall have been assessed at least two months and paid at least one month before election), or who, by continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least three of the registrars determine that he is so qualified.

CHALLENGES.

SECTION 9. Any person claiming the right to register may be challenged by a registrar or by any qualified elector of the election district.

Any person so challenged shall answer the questions of the challenged affidavit, as herein specified; and after his answers have been recorded, he shall sign, if able to write, and swear to the truth.

He shall also make affidavit at the same time, to the truth of his answers as recorded in the register, if able to read, and which he shall be deemed to have examined, or have had the same read to him.

The affidavits of all persons so registered shall, at the close of each day's registration, be numbered and filed.

FORM OF CHALLENGE AFFIDAVIT.

The challenge affidavit shall be in the following form:

No.
..... Election Division, Ward
CITY OF }
COUNTY OF } ss.:
STATE OF PENNSYLVANIA..... }

What is your full name?
Are you married or single?
If married, where does your family reside?
If single, where do your parents reside?
Where did you actually reside immediately prior to taking up your
present residence ?
Give your residences for the last four months?
.....
What is the name of your present employer?
Where is his place of business?
What is the name of your last employer?
Where is, or was, his place of business?
Have you read the information given by you, as recorded in the
register ?
I, the undersigned, do solemnly swear (or affirm) that I have

read the information recorded opposite my name in the register of the Division of the Ward, on page, and that said information, as well as that recorded in this affidavit, is the truth.

..... and subscribed,
 this day of,
 19....

(Signature of Applicant.)

.....

.....

Registrar.

REGISTRARS' DESCRIPTION OF APPLICANT.

Distinguishing marks
 Other peculiarities
 Color of hair

.....

.....

.....

.....

Registrars.

FURTHER PROOF.

The challenged applicant shall produce such further proofs as the law requires challenged persons to produce on election day, and it shall be the duty of the registrars to require it before permitting him to be registered.

NATURALIZATION PAPERS.

All persons claiming the right to vote by reason of naturalization shall be required to produce the proper naturalization paper or a certified copy thereof, before they shall be registered; but no such person shall be required to produce his papers a second time in the same district, unless he is challenged. Provided, that any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's papers or a certified copy thereof, or by making affidavit that his father was naturalized at a time when the applicant was less than twenty-one years of age and that he is unable to produce his father's papers.

AFFIDAVITS AND VOUCHERS.

Whenever the applicant is rejected, after a portion of the record has been filled in, a line shall be drawn through the record already made, and the registrar shall note on said line the reason for the rejection, and shall add his initials thereto.

All affidavits and vouchers shall be executed in duplicate, one being delivered into the custody of each registrar who has charge of the registers.

STRIKING OF NAMES FROM LIST.

SECTION 10. On the registration day preceding the February election, the registrars shall, in addition to the registration of electors, strike from the list the names of such persons as shall be proven, to their satisfaction, by the affidavits of at least two qualified electors of the ward, to have died or removed from the district, since the last registration. The registrars shall record on blank forms provided for that purpose the names and previous places of registration, giving wards and districts, of all persons registered by them on said day, who give as such place of previous registration a place in the same city, and shall forward the same to the commissioners for their information.

Thereafter, upon the return of the registers to the office of the commissioners, it shall be their duty to examine the same and wherever registered persons have given as their last place of registration another election district in the same city, to strike said name from the register of said district of prior residence, and to note thereon the reason for so removing the name.

TRANSFER OF NAMES.

At any time between the November election and the next registration day, or between the February election and the tenth day prior to the spring primary, any registered elector who has removed from one election district to another in the same city, sixty days prior to the February election, or sixty days prior to the spring primary, may apply at the office of the commissioners and have the registry of his name transferred from the district in which he has removed to the one in which he has taken up his new residence.

It shall be the duty of the commissioners, upon satisfactory

proof of the elector's identity, to strike his name from the register in the district from which he has removed, to examine him in the regular way as to his qualifications, and, if his answers are satisfactory, to register him in the district to which he has removed.

SECTION 11. Parties or bodies of electors, who now are or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the ward to act as watchers in each place of registry, without expense to the county, on each registration day.

No more than one watcher for such party shall be allowed in the registry place at any one time.

Each watcher shall be provided with a certificate from the county commissioners, stating his name and the party or policy he represents.

Watchers shall be entitled to be present during all of the public sessions herein provided for and shall be required to show their certificates when requested to do so.

CHALLENGES.

Watchers or qualified voters shall have the power to challenge.

PRESENCE OF ELECTORS.

SECTION 12. No more than six electors, other than the registrars and the watchers herein provided for, shall be allowed in the registry-room at any one time.

COMPARISON AND CORRECTION OF THE REGISTERS.

SECTION 13. At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the other, so as to make the same agree, where there is any difference between them.

All the registrars shall then sign their initials on the line immediately under the last names registered under each letter, in both books, together with the date.

CERTIFICATE OF REGISTRATION.

At the close of both fall and winter registrations, the regis-

trars shall sign a certificate, on the last page of the register, setting forth the number of persons registered on each day, and the number of names which have been stricken out, if any.

STREET LISTS.

SECTION 14. The two registrars who have not charge of the registers shall, at both registrations, prepare two "street lists" of all names which are registered.

These lists shall contain the names of the electors and their addresses, in the order in which their residences appear upon the streets of the district.

DISPLAY AND PRINTING OF LISTS.

One of said street lists shall be hung outside of the polling-place, and shall remain in that position until the next election. The other shall be returned to the office of the commissioners and at least one hundred exact copies of it shall be printed in pamphlet form and shall be ready for distribution at least three weeks before election day.

COMPLAINTS.

SECTION 15. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition duly sworn to, with the commissioners, setting forth the ground of his complaint.

If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrar and recorded in the register.

HEARING OF COMPLAINTS.

When such petitions are filed the commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the commissioners, and the register of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the register, or otherwise, as the commissioners may order.

The commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks.

All such applications for correcting the register must be made not later than fifteen days prior to an election.

APPEALS TO COURT.

The applicant or any elector who is not satisfied with the decision of the commissioners, may petition the court of common pleas, setting forth the reasons why he feels that injustice has been done, and thereupon the said court of common pleas may, in its discretion, allow an appeal to it from the decision of the commissioners; the said court may then fix a day for a public hearing, of which notice shall be served by the petitioner upon the commissioners and upon the person, or his attorney, who opposed his contention before the commissioners, together with a copy of the petition, at least five days before such public hearing may take place, proof of which must be exhibited to the court.

The court, after such public hearing, may reverse, affirm, or alter the decision of the commissioners. Said appeals must be filed not later than ten days preceding an election.

ILLNESS OR ABSENCE OF ELECTOR.

Any qualified elector who was too ill to appear at the polling place on all of the registration days, or who was unavoidably absent from the county on said days, may present his petition to the commissioners any time up to two weeks before the general election, setting forth the facts of his illness or unavoidable absence and setting forth in detail the information required to be recorded in the register, and praying that his name may be added to the register in the proper division.

After this petition shall have remained in the office of the commissioners, open to public inspection, for at least two days a hearing shall be granted; the petitioner shall personally appear, and if the facts are proven, to the satisfaction of the commissioners, to be as reported, they shall order the name of the petitioner to be inserted on the register, in the proper place.

CHALLENGE.

This hearing shall be public; and any qualified elector shall have the right to challenge and to require proper proof of identity as in the case of registry before the registrars.

APPEALS.

If any person is not satisfied with the decision of the commissioners, he may appeal to the court of common pleas, as in other cases.

BOOKS, FORMS AND SUPPLIES.

SECTION 16. The two registrars designated to keep the two registers shall obtain, at the office of the commissioners, the blank forms, books and other supplies prepared for their use, before the first registration day in the fall and before the winter and spring registration days, and shall have the same at the polling places on said days.

CUSTODY AND CONTROL OF REGISTERS, ETC.

On registration days, and during the time from one such day to another, until the close of the fall registration period, the two said registrars shall have the custody and control, and shall be charged with the safe-keeping of the registers in which they have made entries, together with all affidavits, forms, et cetera, which have been taken in duplicate, as hereinbefore provided.

CUSTODY OF STREET LISTS.

During the same periods, the other two registrars shall be charged with the safe-keeping of the street lists which are in the course of preparation by them.

DELIVERY OF REGISTERS, ETC., TO COMMISSIONERS.

At the close of the registration, and before twelve o'clock noon of the following day, the two registrars who have been charged with the keeping of the registers shall deliver the same together with one street list, all affidavits, vouchers, unused forms, et cetera, to the registration commissioners at such place as may be designated by them. The said papers and books shall remain on file at a place designated by the commissioners, open

to public inspection, under proper regulation for their safe-keeping, subject, however, to the further provisions of this act.

PAYMENT OF COMMISSIONERS, REGISTRARS, CLERKS, ETC.

The county commissioners of each county, upon proper vouchers, shall provide for the payment of the commissioners, registrars and other officers or clerks provided by this act.

POLLING PLACES.

It shall also be their duty to see that the polling places are open and in proper order for the use of the registrars.

They shall also deliver the two registers to the election officers, in the manner in which they are or may be required to deliver other election materials for use on election day.

RIGHTS OF FRANCHISE.

SECTION 17. Any person whose name is on the register shall be entitled to vote at any general, special, primary, or municipal election, unless it shall be shown to the satisfaction of the election officers that he has become disqualified since registration. Provided, that if a special election shall intervene between registration day and the next general or municipal election, the presence of the name of an elector on the list shall be only *prima facie* evidence of his right to vote.

If his name is not registered he shall not be entitled to vote at any election.

DUTY OF VOTERS.

Before receiving his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place provided for that purpose, if able to do so, and by the production of such other evidence as is or may be required by law.

USE OF REGISTERS.

The two registers shall be used at elections by the election officers, in the place of the ballot check list and the voting check list.

BALLOT CHECK.

One of the said registers shall be marked "ballot check list" and the other shall be marked "voting check list."

After the polls are closed the names checked as having voted, in the said two registers, shall be immediately counted, and the result announced before the ballot box is opened.

The two registers shall be immediately sealed up in an envelope, and shall be returned to the custody of the commissioners when the ballot-box and the other election returns are delivered to the proper officers.

DISOBEDIENCE.

SECTION 18. Any person who wilfully disobeys a lawful order of the commissioners shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars.

WILFUL FALSE STATEMENT.

Any wilful false statement made under oath, by any person, in relation to any matter or thing concerning which he shall be lawfully interrogated by the registrars or by the commissioners, shall be perjury; and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding two years or both, in the discretion of the court.

REGISTRARS.

A registrar who intentionally registers, or permits to be registered, a person not lawfully entitled to be registered, or who intentionally refuses to register a person lawfully entitled to be registered, or who intentionally assists in preventing such person from being registered, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court.

FALSE REPRESENTATION OR PERSONATION.

A person who applies for registration knowing that he is not entitled to be registered, or who falsely personates another in an application for registration, or who knowingly offers false naturalization papers or a fraudulent tax receipt to establish his claim to be registered, or who personates another, shall be guilty

of a misdemeanor, and, upon conviction, shall be sentenced for every offense to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding three years or both, in the discretion of the court.

ILLEGAL REGISTRATION.

A registrar who inserts, or intentionally permits to be inserted, a name on the registry list without a proper application in person, during the hours of registration, on a registration day, on the part of the person registered, or without requiring the proper evidence of the right of the applicant to be registered; or who alters any registry list after the entry has been duly made, except upon an order of the court or of the commissioners; or who makes any entry therein at any time other than during the hours of registration, and in the presence of the other registrars, shall be guilty of a misdemeanor; and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

ELECTION OFFICERS.

Any election officer who refuses the vote of a registered elector, except on satisfactory evidence that he has since registration become disqualified under the laws of this Commonwealth, or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act, or who knowingly receives a vote from a person falsely claiming to be a registered voter, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

REFUSAL TO PERFORM DUTY.

Any commissioner, registrar or other officer, upon whom a duty is laid by this act, who shall wilfully refuse to perform his said duty shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

EXHIBIT NO. 9 — Philadelphia, Pa.

BOARD OF REGISTRATION COMMISSIONERS.

Room 650, City Hall.

Clinton Rogers Woodruff, Chairman.

John Cadwalader, Jr., Secretary.

George G. Pierie.

J. Henry Scattergood.

PHILADELPHIA, *August* 14, 1909.

INSTRUCTIONS FOR REGISTRARS.

GENTLEMEN.— We beg to advise you that every applicant for registration must be duly sworn or affirmed before the questions are put to him.

OATH.

The following form of oath is sufficient:

I,, do solemnly swear (or affirm)
(Name of Applicant.)

that I will a true answer make to such questions put to me by the registrars as the law requires touching the matter of my registration as a qualified elector. So help me God.

This oath, however, does not have to be signed by the applicant.

RIGHT OF REGISTRATION.

SECTION 8. Every person who possesses the qualifications of an elector, as provided in the constitution and laws of this Commonwealth (that is, every male citizen, twenty-one years or over, who has been a citizen of the United States at least one month, and who has resided in the State one year, or, if having been a qualified elector or a native born citizen of the State he shall have removed therefrom and returned, then six months, and who has resided in the election district at least two months before the election, and who, if twenty-two years or upwards, has paid a State or county tax, which shall have been assessed at least two months and paid at least one month before election) or who by

continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least three of the registrars determine that he is so qualified.

CHALLENGE AFFIDAVIT.

If, however, the applicant is challenged he must swear to and sign the challenge affidavit in duplicate. The challenge affidavit must also be signed by the registrar administering the oath or affirmation.

NATURALIZATION.

A foreign born applicant for registration whose parent was naturalized before applicant reached twenty-one years of age is entitled to be registered if otherwise qualified without the production of his parent's papers. However, in all such cases, if the applicant does not produce his father's papers, he must make affidavit to the facts, using the special form prepared for that purpose.

Where naturalization papers have been lost or mislaid, the applicant must produce a certified copy of them. In no case will the oath or affirmation of an applicant for registration suffice and be accepted as a substitute for the production of the papers or a certified copy of them.

TAX RECEIPTS.

Unless lost or destroyed a tax receipt in the name of the applicant must be produced to the registrars to qualify him. The tax must be one that has been paid within two years of November 2, 1909; that is to say, a tax prior to November 2, 1907, will not entitle an applicant to be registered.

A tax receipt in the name of more than one individual qualifies each applicant whose name appears upon it.

WATCHERS.

The law does not require that watchers shall be residents of the division. They must, however, be residents of the ward in which the division is located.

CLINTON ROGERS WOODRUFF, *Chairman.*

JOHN CADWALADER, JR., *Secretary.*

GEORGE G. PIERIE,

J. HENRY SCATTERGOOD,

Board of Registration Commissioners for the City of Philadelphia.

EXHIBIT NO. 10 — Philadelphia, Pa.

BOARD OF REGISTRATION COMMISSIONERS.

Room 650, City Hall.

Clinton Rogers Woodruff, Chairman.

John Cadwalader, Jr., Secretary.

George G. Pierie.

J. Henry Scattergood.

PHILADELPHIA, PA., *August 14, 1909.*

NOTIFICATION OF APPOINTMENT.

DEAR SIR.—We hand you herewith certificate of your appointment as registrar to serve in your division on the following days of registration, to wit: Thursday, September 2; Tuesday, September 14; Saturday, October 2, 1909; Saturday, January 15, 1910, and Saturday, June 4, 1910, or until your successor may be appointed. There is also enclosed, for your guidance and instruction, a carefully-edited copy of the Act of 1906 relating to personal registration in cities of the first class (Philadelphia), as amended by the Act of June 3, 1907.

The hours of registration are from 7 to 10 A. M. and from 4 to 10 P. M.

The ballot check men will be notified by the county commissioners when to call for the new set of registers. The new books are to be used on all of the above mentioned days of registration.

One or more members of the commission will be present at Room 650, City Hall, from 7 A. M. to 10 P. M. on the days of registration to answer questions, and give instructions to those desiring them.

The pay of registrars will be ten dollars (\$10) per day.

Attention is called to the necessity for producing naturalization papers where a naturalized citizen is seeking registration for the first time in a division. There is no exception to this requirement.

Fill up and sign the enclosed postal card signifying the receipt of the certificate of appointment and mail immediately.

The commissioners must be immediately advised should you remove from the division, as the law requires that the registrar must be a resident of the division in which he serves.

A registrar can not hold any other public office or be a candidate therefor.

The board wishes to take this occasion for impressing upon the registrars in the several divisions, of the personal registration law and the maintenance of clean and honest voting lists in the city of Philadelphia.

This paragraph is inserted this year in the notification of appointment because of the unfortunate condition disclosed in the Sixteenth Division of the Tenth Ward, which showed that at least one of the boards of registrars had failed to realize the important duties and obligations resting upon it, and had failed, both as registrars and as citizens, in the faithful and conscientious discharge of their duties. It is essential to note that the law provides that no applicant can be registered or his name entered in any of the books unless three of the registrars agree thereto. The board of registration commissioners is of the opinion that the great majority of its appointees are faithful in the performance of their duties, and anxious and zealous to execute them, with a full and adequate appreciation of the obligations resting upon them; but lest there may be some who through ignorance or indifference, fail to appreciate the vital importance that honest elections are to the maintenance of representative government, it takes this occasion to utter this admonition.

CLINTON ROGERS WOODRUFF, *Chairman.*

JOHN CADWALADER, JR., *Secretary.*

GEORGE G. PIERIE,

J. HENRY SCATTERGOOD,

Board of Registration Commissioners for the City of Philadelphia.

EXHIBIT NO. 11 — Philadelphia, Pa.

APPEAL FROM BOARD OF REGISTRARS TO STRIKE
OFF

of the DIVISION WARD.

To the Board of Registration Commissioners, Philadelphia, Pa.:

GENTLEMEN.— The Petitioner respectfully represents:

That he is a qualified elector of the
Division of the Ward and that he resides
at No. and was duly
registered as a voter on theday of
....., 190....

That the Registrars of said Division have accepted the name
.....
Street, as qualified to be registered and placed his name upon the
Registers in said Division on the day of
.....

That the said
.....

(Here state the ground of Complaint.)

.....
.....

This notice of this complaint has been given to the said.....
.....
by leaving a written copy hereof at No.
Street, his place of residence as given by him and recorded in the
Registers.

Wherefore your petitioner asks the Commissioners of Registra-
tion to grant a hearing of this complaint and to order the cancel-
lation of the name of the said
.....from the Registers.

.....
(Signature of Petitioner.)

Sworn and subscribed before me this
..... day of,
190....

.....

(*Endorsement on back of other sheet.*)

PETITION

To strike the name of

.....
 Street
 from the Registry List.

Ward

Division

The petition will be heard at Room 650,
 City Hall, at o'clock,
 190....

This Petition must be filed with the
 Registration Commissioners at least fif-
 teen days before the day of election, and
 copy served at the residence of the person
 whose registration is complained of.

EXHIBIT NO. 12 — Philadelphia, Pa.

APPEAL FROM BOARD OF REGISTRARS

of the DIVISION WARD.

To the Board of Registration Commissioners, Philadelphia, Pa.:

GENTLEMEN.— The petitioner respectfully represents:

1. That his name is
2. That his occupation is that of
3. That he resides at in the
 Division of the Ward.
4. That he is (State whether
 lodger, lessee or owner; or if living with his family. If lodger or
 boarder indicate room or floor occupied.)
5. That he has lived in the State of Pennsylvania for
 and in said division for

6. That he has lived at his present place of residence
.....
7. That he is (married or single).
8. That prior to his present place of residence he resided at
.....
9. That he is at present employed at
his employer being
10. That he was born in
(If naturalized state where and when naturalized and produce
papers; or if the son of a naturalized citizen the date and place
of the parent's naturalization must be stated.)
11. That he has paid a State or County tax within two years,
the date of the receipt being
which he produced to the Registrars (or made affidavit that it had
been lost or destroyed)

That notwithstanding all of the above facts set forth which were
detailed in person on the day of
..... 190 , to the Board of Registrars of
the Division, Ward,
the said Board of Registrars refused to register your petitioner as
a qualified elector in the Division
Ward, because
.....
.....
.....

Wherefore he appeals to your honorable body as of the date of
his application to the Board of Registrars in said division, to
be registered as a qualified elector in the said division of the
said ward.

.....
(Signature of Petitioner.)

Sworn (or affirmed) to the
day of
.....

(Endorsement on back of other sheet.)

COMPLAINTS.

SECTION 15. If any citizen shall object to the action of the
registrars in accepting or rejecting any claim for registration, he

may file his petition, duly sworn to, with the commissioners, setting forth the ground of his complaint.

If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrar and recorded in the register.

HEARING OF COMPLAINTS.

When such petitions are filed the commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the commissioners, and the register of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the register, or otherwise, as the commissioners may order.

The commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks.

All such applications for correcting the register must be made not later than fifteen days prior to an election.— Act of 1906.

Ward
Division

THIS FORM MUST BE USED WHERE THE APPLICANT HAS APPEARED
BEFORE THE LOCAL BOARD OF REGISTRARS.

APPEAL of

.....
From

BOARD OF REGISTRARS.

This appeal will be heard at Room 650, City Hall, at
o'clock 190

This appeal must be filed with the Registration Commissioners
at least fifteen days before election.

Filed , 190....

EXHIBIT NO. 13 — Philadelphia, Pa.

This petition must be filed on or before 190....

FORM OF PETITION FOR THOSE UNABLE TO BE
PRESENT AT PLACE OF REGISTRATION ON THE
REGULAR REGISTRATION DAYS BECAUSE OF
ILLNESS.

To the Board of Registration Commissioners, Philadelphia, Pa.:

GENTLEMEN.— The petitioner respectfully represents:

1. That his name is
2. That his occupation is
3. That he resides at, in the
..... Division of the Ward.
4. That he is (state whether lodger, lessee or owner; and if
a lodger or lessee, the room or floor occupied)
.....
5. That he has lived in the State of Pennsylvania for
....., and in the said division
6. That he has lived at his present place of residence
.....
7. That he was born in (if a foreign born citizen naturaliza-
tion papers must be produced, or, if the son of a naturalized citi-
zen, the date and place of the parent's naturalization must be
stated)
8. That he has paid a State or county tax within two years,
the date of the tax receipt being (The
tax receipt must be produced unless lost or destroyed.)
9. That because he was ill on all three days of registration,
being actually confined to the house (or hospital)
.....

.....

He, therefore, petitions to be registered as a qualified elector
 in the said Division of the said
 Ward.

And the petitioner, being duly sworn (or affirmed), doth depose
 and say that the facts set forth in the above petition are true.

.....
 (Signature of Petitioner.)

Sworn (or affirmed) and subscribed the
 day of,
 190....

(Indorsement on back of other sheet.)

Ward
 Division

This form is to be used where the petitioner *has been ill all
 three days.*

PETITION

to

REGISTER

The name of

.....

This petition must be filed with the Registration Commis-
 sioners, at least two weeks before the day of election.

Filed, 19....

EXHIBIT NO. 14 — Philadelphia, Pa.

This petition must be filed on or before, 190

FORM OF PETITION FOR THOSE UNABLE TO BE
PRESENT AT PLACE OF REGISTRATION ON THE
REGULAR REGISTRATION DAYS BECAUSE OF
ABSENCE.

To the Board of Registration Commissioners, Philadelphia, Pa.:

GENTLEMEN.—The petitioner respectfully represents:

- 1. That his name is
- 2. That his occupation is
- 3. That he resides at in the
. Division of the Ward.
- 4. That he is (state whether lodger, lessee or owner; and, if a
lodger or lessee, the room or floor occupied)
.
- 5. That he has lived in the State of Pennsylvania for
., and in the said division
- 6. That he has lived at his present place of residence
.
- 7. That he was born in (if a foreign born citizen naturalization
papers must be produced, or, if the son of a naturalized citizen,
the date and place of the parent's naturalization must be stated)
.
- 8. That he has paid a State or county tax within two years, the
date of the tax receipt being (The
tax receipt must be produced unless lost or destroyed.)
- 9. That because he was unavoidably detained out of the county
of Philadelphia on all three days of registration, as follows:
First day, September, in; second day,

September, in; third day, October
, in

He, therefore, petitions to be registered as a qualified elector
 in the said Division of the said
 Ward.

And the petitioner, being duly sworn (or affirmed), doth depose
 and say that the facts set forth in the above petition are true.

.....
 (Signature of Petitioner.)

Sworn (or affirmed) and subscribed the
 day of,
 190....

(Indorsement on back of other sheet.)

Ward
 Division

This form is to be used where the petitioner has been absent
 from the city *all three days*.

PETITION

to

REGISTER

The name of

.....

This petition must be filed with the Registration Commissioners
 at least two weeks before the day of election.

Filed, 190....

EXHIBIT NO. 15 — Philadelphia, Pa.

**STREET LIST OF THE ELECTORS REGISTERED IN
THE 26TH WARD, 5TH ELECTION DISTRICT IN THE
CITY AND COUNTY OF PHILADELPHIA, AT THE
WINTER REGISTRATION, 1909.**

(Sec. 14 of an Act, No. 12, Pennsylvania Laws, 1906.)

SECTION 14. The two registrars who have not charge of the registers shall, at both registrations, prepare two "street lists" of all names which are registered. These lists shall contain the names of the electors and their addresses in the order in which their residences appear upon the streets of the district.

One of the said street lists shall be hung outside of the polling place, and shall remain in that position until the next election. The other shall be returned to the office of the commissioners, and at least one hundred exact copies of it shall be printed in pamphlet form, and shall be ready for distribution at least three weeks before election day.

EXHIBIT NO. 16 — Philadelphia, Pa.

**REGISTER OF QUALIFIED VOTERS RESIDING IN
..... ELECTION DISTRICT WARD,
OF THE CITY AND COUNTY OF PHILADELPHIA
FOR THE YEAR 1906-1907.**

The applicant must be sworn or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

SURNAME.	CHRISTIAN NAME.	OCCUPATION.	Present residence.	
			Street and	number.
1	2	3	4	
<hr/>				
Lodger, lessee or owner.	Room or floor occupied.	LENGTH OF RESIDENCE.		
		In the State.	In the district.	
5	6	7	8	
<hr/>				
PLACE OF RESIDENCE AT THE LAST REGISTRATION.				
State.	City.	Street and num-ber.		Year.
9	10	11		12
<hr/>				
PLACE OF BIRTH.			No. of affidavit of	
Give State or ter-ritory of the U. S. or foreign country where born.	Naturalization pa-per produced — Yes or no.	Tax receipts pro-duced — Yes or no.	loss of Tax Re-ceipt (if taken). If under 22 yrs. of age, write "Age."	
13	14	15	16	
<hr/>				
PERSONAL DESCRIPTION.				
Color.	Approximate age.	Tall, short or medium.	Approx. weight.	
17	18	19	20	
<hr/>				
Signature at time of voting (if challenged).	If challenged, No. of Challenge Af-fidavit.	November election.	VOTED.	
21	22	23	January primary.	
21	22	23	24	
<hr/>				
VOTED.				
February election.	June primary.	Special elections.	Remarks.	
25	26	27		

EXHIBIT NO. 17 — Philadelphia, Pa.

This blank is to be used in case the aggregate receipts or disbursements of a candidate, in connection with any nomination or election, shall not exceed fifty dollars. For the office of Governor, Lieutenant-Governor, Auditor General, Secretary of Internal

Affairs, State Treasurer, and Judges of the Supreme and Superior Courts, it must be filed within thirty days after the election, with the Secretary of the Commonwealth; and for all other offices, with the Clerk of the Court of Quarter Sessions within fifteen days after the primary, and within thirty days after the election.

COMMONWEALTH OF PENNSYLVANIA.

.....
(Residence) (Date)

I,, candidate
for to the office of
(Nomination or election)

....., representing the
..... party, do hereby
certify, in compliance with the provisions of the act entitled "An
act to regulate nomination and election expenses, and to require
accounts of nomination and election expenses to be filed," etc.,
approved March 5, 1906, that my aggregate receipts or disburse-
ments, in connection with the
(Nomination or Election.)

held, did not exceed fifty dollars.

.....
(Signature of candidate.)

STATE OF PENNSYLVANIA, }
COUNTY OF } ss.:

Personally appeared before me the above named
.....
who made oath that the foregoing statement, by him signed, is
correct and true to the best of his knowledge and belief.

.....
(Signature of candidate.)

Sworn to and subscribed before me, this
..... day of,
A. D., 190..
(SEAL)

EXHIBIT NO. 18 — Philadelphia, Pa.

REGISTRATION.

Voucher.

This *Form* to be used by the *Voucher* for residence of person challenged.

COMMONWEALTH OF PENNSYLVANIA, ss.:

I,, being duly sworn, (affirmed) say: That I am a registered voter of the election district of the ward, in Philadelphia county, and that I know who now claims the right to be registered therein, and have known him for and upwards, and that said claimant has resided in said election district, in the house of, since September 5th, 1907, or prior thereto.

Sworn (affirmed) and subscribed this day
of, before me,

.....
(To be made out in duplicate.)

EXHIBIT NO. 19 — Philadelphia, Pa.

JUDGE.

I do swear (or solemnly, sincerely and truly declare and affirm) that I will as judge, duly attend the ensuing election, during the continuance thereof, and faithfully assist the inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person other than such as I

firmly believe to be, according to the provisions of the constitution and laws of this commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, and that I will use my best endeavors to prevent any fraud, deceit or abuse in carrying on the same, by citizens qualified to vote, or others, and will to the best of my abilities maintain and protect the rights of all qualified electors within this election division, and will expose all attempts and combinations that may come to my notice to procure votes to be polled at the ensuing election, and that I will make a true and perfect return of the said election, and I will in all things truly and faithfully perform my duties respecting the same to the best of my judgment and ability, and that I am not directly or indirectly interested in any bet or wager on the result of this election. The election officers will not disclose how any elector has voted unless required to do so as a witness in a judicial proceeding.

....., Judge.
 Ward, Division.

Sworn (affirmed) and subscribed before me
 this day of, A. D. 190..

.....

EXHIBIT NO. 20 — Philadelphia, Pa.

INSPECTORS.

We do swear (or solemnly, sincerely and truly declare and affirm) that we will duly attend the ensuing election, during the continuance thereof, as inspectors, and that we will not receive any ticket or vote from any person other than such as we firmly believe to be, according to the provisions of the constitution and laws of this commonwealth, entitled to vote at such election without requiring such evidence of the right to vote as is directed by law, nor will we vexatiously delay or refuse to receive any vote from any person who we shall believe to be entitled to vote as aforesaid, but that we will in all things truly, impartially and faithfully perform our duties therein to the best of our judgments and

abilities, and that we are not directly or indirectly interested in any bet or wager on the result of this election. The election officers will not disclose how any elector has voted unless required to do so as a witness in a judicial proceeding.

..... Inspector.
 Inspector.
 Ward, Division.

Sworn (affirmed) and subscribed before me
 this day of, A. D. 190..

.....

EXHIBIT NO. 21 — Philadelphia, Pa.

CLERKS.

We do swear (or solemnly, sincerely and truly declare and affirm) that we will impartially and truly mark each elector who shall vote at the ensuing election, which shall be given us in charge, and also the name of the township, ward or district wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as the name shall be read to us by the inspectors thereof, and will to the best of our abilities maintain and protect the rights of all qualified electors within this election division, and will expose all attempts and combinations that may come to our notice to procure votes to be polled at the ensuing election, and in all things truly and faithfully perform our duties respecting the same to the best of our judgments and abilities, and that we are not directly or indirectly interested in any bet or wager on the result of this election. The election officers will not disclose how any elector has voted, unless required to do so as a witness in a judicial proceeding.

....., Clerk.
 Clerk.
 Ward, Division.

Sworn (affirmed) and subscribed before me
 this day of, A. D. 190..

.....

FIFTH SESSION — July 27, 1909.

BOARD OF EDUCATION, CITY HALL.PHILADELPHIA, PA., *July 27, 1909.*

At 10 o'clock A. M.

Judge KNAPP: If the Committee is ready —

Chairman MEADE: We will proceed.

Judge KNAPP: We will proceed. The appearances are the same as yesterday, except Mr. Scott is present and the absence of Senator McCarren.

Gentlemen, I present Mr. Howard A. Chase, a former city commissioner or county commissioner, or both, of Philadelphia.

By Judge KNAPP:

Q. Mr. Chase, you reside in the city of Philadelphia, do you?
A. I do.

Q. How many years have you lived here? A. Since 1875. I located here in 1875, here in Philadelphia.

Q. With which party or what party have you affiliated?
A. With the Republican party.

Q. And it may be said that you are what is known as an organization Republican? A. I will answer — I will have to plead guilty.

Q. You have been identified with the city government under the present — under the organization? A. Yes, I have.

Q. You said you were a city commissioner or a county commissioner? A. Well, in the city and county of Philadelphia it is a mooted question whether our title should be city commissioner or county commissioner. Under the constitution of the State I am told that our present title is city commissioner.

Q. The city commissioner is substantially the same officer as the county commissioner in other counties? A. Yes, as regards the charge of election matters in the county — otherwise the duties are quite different.

Q. There are some other officers who perform some of the duties that the county commissioners perform in other counties? A. Yes.

Q. When were you one of the city commissioners of Philadelphia? A. From January 1st, 1906, to January 1st, 1909, three years.

Q. So that you have just gone out of office? A. Yes, sir; just gone out of office.

Q. You were elected as a Republican member of this committee? A. I was of the commission, yes.

Q. Were the other two members of the committee, one a Republican and the other a Democrat? A. Well, originally there were the two City party men. One of the members was advanced to the Supreme Court — a vacancy was filled by a Democrat, Mr. Donnelly, by the board of judges.

Q. You were not elected under the direct uniform primary system? A. No, I was not nominated —

Q. You were nominated by delegates and convention? A. Well, individually I was nominated by the Republican city committee to fill a vacancy caused by the withdrawal of the regularly nominated Republican candidate.

Q. Received an appointment? A. Yes, under the party rules.

Q. Then you were elected after the direct nomination laws went into effect? A. No, I was elected in November, 1905, and the direct primary was not enacted until the special session of 1906.

Q. And it took effect on the 1st of January, 1907? A. Yes.

Q. Have you had, from your official position as one of the officers managing elections and primaries during the last three years, opportunity to observe the working of the uniform primary act in this city and other parts of the State? A. Yes.

Q. Can you state whether or not such candidates who have not been supported by some party organization have been nominated for any of the important offices during that period of time? A. No, not as regards the Republican nominees. There have been instances where the nominations have been captured by other party organizations.

Q. That is not the nominations of the Republican organization? A. No.

Q. But the nominations of the minority parties? A. The minority parties.

Q. Have there been instances where the Republican organization has apparently captured the nominees of other minority parties? A. Yes.

Q. Has that been of quite frequent occurrence? A. Yes, quite frequent in all except the — well, I would say, in three of the primary elections, quoting simply from memory, without the figures with me.

Q. That this has been done by the Republican organization, that is, men of the organization have been nominated in the place of members of the other minority parties? A. Yes.

Q. Looked at from the standpoint of a citizen and personally interested in the welfare of the city, what do you say as to whether that is a desirable arrangement by which one party may foist upon another one of its own members to become the nominee of another party? A. I think it is to be regretted both from a citizen and from a party standpoint. I think it is poor politics, in other words.

Q. Well, what is the effect upon the minority party of such transaction as that? A. Well, here in Philadelphia, as far as it has applied to our so-called reform parties, they have gone out and under a system of nomination papers pre-empted a new party title, and have secured such nominations as they desired by petition.

Q. By petition, as allowed by the statute? A. As allowed by the statute.

Q. So that when one party has captured, as you say, the nominee of another party by foisting upon that other party one of its own members, the other party may make a separate nomination by petition? A. Yes, under a new party title.

Q. Under a new party title? A. Yes.

Q. Procuring two per cent. of the largest vote, as I understand it, cast for any office, the signatures of two per cent? A. That's right.

Q. Then they parade under a new name? A. Yes.

Q. And that has been done frequently, has it, right here in the city? A. Every year during the last three years, including this year.

Q. Then do the commissioners print the nomination under the old title and under the new title both? A. Yes, sir.

Q. And do they sometimes withdraw the other nominations, the one made by the party outside? A. There may have been such instances. It is possible. It is a question whether a man has a right to withdraw after he is nominated. That has never been decided in the courts.

Q. What do you say from your observation and experience of the chances of an independent candidate, not supported by any party organization, for one of the more important offices of the city — could he be nominated in the city? A. I do not know that I — do you mean, to illustrate, a man as a candidate on the Republican ticket who is not supported by the regular Republican organization?

Q. I mean that. A. Very doubtful.

Q. I suppose, for instance, any citizen goes out as an individual and says: "I want to be nominated for mayor," and does not seek the support of the Republican organization, Democratic organization or William Penn organization, or whatever it may be, but just independently seeks the nomination, is it possible under this system for a man to procure such a nomination? A. It would be a little short of a miracle for him to secure it.

Q. Have you ever known of any such instance happening? A. No.

Q. What would you say as to the expense of such an undertaking as that for the candidates? A. Only a very wealthy man could undertake such a candidacy if disposed to make an aggressive fight.

Q. He would have to procure a petition in the first instance, would he not? A. Yes, sir.

Q. And practically make a party of his own? A. And make a personal canvass.

Q. And make a personal canvass. What do you say as to the selection of candidates by this uniform primaries act — have you been able to secure better nominees, secure more respectable, representative citizens, or the other way? A. I can see very little difference; very little.

Q. Looked at from the point of view of the organization Republican member of the majority party here, what do you say as to whether this system that is in vogue here, I mean divorced from other influence, is desirable, simply looking at it from a point of

view of a member of the majority party and support of the organization? A. From the partisan organization standpoint, it is an excellent thing for the Republican organization.

Q. In other words, the Republican organization in this city, as I understand you to say, has no particular objection to this system?

A. Not that I am aware of.

Q. That so far, under the system, they have never lost a nomination? A. No. I would say, in passing, that in 1906, there was a seeming contest for the nomination of a Republican candidate for mayor. There was a candidate whose friends made quite an aggressive canvass for him, rather than making it himself. He carried three or four wards in this city, and for the simple reason that the local organization in those wards supported him, the ward leaders and the entire local organization of those particular wards supported the man and he carried the wards. The so-called city central organization, supporting our present mayor, had no difficulty in nominating him.

Q. Now, prior to the introduction of the uniform primaries act had there been instances where reform elements or minority parties have succeeded in securing elections, carrying the elections? A. Yes, there have been quite a number of instances where fusion or independent Republicans and Democrats have carried the city.

Q. Carried the city? And the normal Republican majority is somewhere about 100,000, is it? A. Yes.

Q. Will you state, in a general way, Mr. Chase, from the standpoint of a citizen wishing only the welfare of the city, and divorcing from that your opinion as a party organization man, if possible, what advantages accrue to the general public from the use of this uniform primaries system? A. Well, to be frank, I fail to see any advantage. My judgment is that the further you get away from the election of delegates, the further you are getting away really from the people.

Q. Has it resulted in any respect in the overthrow of the so-called boss and machine? A. Not in the least.

Q. In the city or State, to your knowledge? A. No.

Q. What would you say from the standpoint of a citizen, are any of the disadvantages and defects in the system which would

make it undesirable, if you see them? A. In order to answer that question [producing pamphlet] I would have to take up some sections of the present law more or less in detail.

Q. Just proceed with those as briefly as you can. We will have other witnesses that we want to take up. A. I want to say by way of introduction, gentlemen, that the uniform primaries in my opinion has come to stay in the State of Pennsylvania; but I think at the next session of the Legislature the many inconsistencies and crudities in the present law will be corrected. It would look to be a step backward to the great mass of the people to do away with the uniform primary. And further, in the way of preliminary — here in the city of Philadelphia, under the old system, we had delegate elections — but I will leave with you a copy of the Republican rules under which you will see that we had an excellent system, but it was not carried out; the Republican organization became careless in the enforcement of these provisions. Other counties of the State — some operated under what is known as the Crawford county system; others, a mass convention. In Bucks county they would get together in the county seat, and then when they came to congressional conventions where there were several counties each county would — the party would have conferees and they would get together, and of course there was more or less scandal so that I believe in a modified uniform primary. I used the word “modified.” And I think the primary should be held on the same day throughout the State and should be conducted by the official election officers, so as to throw the greatest possible degree of sanctity about our primary elections. With that preliminary I will take up some of the weak points of our act of 1906.

By Assemblyman PHILLIPS:

Q. Well, right there, Mr. Chase, you say you believe in uniform primaries retaining the direct nomination feature? A. Only to a degree, only to a degree. I would when it comes to State officers, the candidates for Congress, candidates for the State Senate — I would have nominated by delegate elections. When it comes to the more local offices, especially in the country counties, I am of the opinion that the so-called Crawford county

system has its advantages. Thus I would combine the two systems. I will take up as briefly as possible, now —

By Assemblyman CONKLIN:

Q. Merely this — may I ask you when you speak of desiring or thinking that the uniform primary has come to stay, that it would be a step backward to repeal it, you mean to repeal the direct nomination features of it? It would be regarded, I say, as a step backward? A. I am speaking now, the general public would regard it as a step backward, to repeal the thing in its entirety, the direct nominations.

Q. In its entirety, do you have in mind direct nominations as the principal feature of it. A. Perhaps about equally divided. Direct nominations for what you might call your local and district officers and delegate nominations for your more general offices.

Q. You think that public sentiment would regard it as a step backward to repeal that feature of the law, the direct nominations feature? A. Well, it is hard to say, hard to say. Had I known earlier that I was going to be here I would have prepared a brief on some of these matters so as to save some of the time. Now the form of the official ballot — section four — the first instance — a man to have his name printed on the official ballot must file — have his petition filed, signed by ten, fifty or two hundred names. When the day of the primary election arrives another man can go in and write anyone's name on that ballot, making it possible, as it has been done, for an organization to capture the nomination for a man whose name has not been before the public.

By Judge KNAPP:

Q. You mean, mark this name — it does not necessarily have to be put on by petition? A. No.

Q. The voter can write anybody's name? A. Yes, sir.

Q. Write or paste it on? A. Write or paste it on. And there have been instances where men in localities have been nominated whose names were not on the ballot.

Q. Simply by a general agreement among the party workers? For instance, when on the day of the primary they say "We will vote for John Smith," and they furnish him with pasters and they go in and stick on John Smith's name? A. Yes, precisely.

Q. The other fellow has not been fighting against John Smith up to that time at all? A. He is caught with — he is surprised.

Q. And you say there have been instances where nominations have been made in that way? A. Yes. The most notable cases are where nominations — for instance, where the Republicans had captured the nominations for City party, local offices — the council in that way, by so doing — the Republicans, at least, a man going in and asking for a Republican ticket and not being challenged, and using the pasters of what was called for — the City party ticket, and using the pasters of a regular Republican candidate.

Q. And capture the nomination for the City party in that way? A. Yes, and then there have been cases in our local party offices of the ward committee where that has been done. It is not unusual — the capture —

Q. You think that is a defect which could be corrected by proper legislation? A. I do.

By Assemblyman HOWARD:

Q. Mr. Chase, under the constitution of your State, are you not obliged to give a man an opportunity of writing in anybody's name? A. Well, possibly. Mr. Fow, who is here, can answer that question — and I think he will be heard later — better than I. He is a constitutional election lawyer. Now, you take section — I was very busy last evening or I would you take nomination papers — that is under section one under the present law, there is no provision for jurat on the nomination papers. Any ten men —

Q. For a jurat, you say? A. For a jurat. Any ten men can meet in a corner grocery and as a joke fill out a paper placing John Smith in nomination for the most absurd office imaginable and those are thrown into the county commissioner's office by the hundreds.

Q. Such nominations have been made, you say, and placed on file before the county commissioners by hundreds? A. Yes. Two years ago, or a year ago — a year ago last summer — we took the responsibility in Philadelphia of placing a jurat on the nomination blanks which you will see, entirely without the warrant of law. No man is under any obligation to have that nomination paper sworn to; but our wishes — our forms were complied with. They

were sworn to by one of the subscribers. If the uniform primary is to continue, in my opinion, every petition should recite among other things that the said John Smith has been consulted and has agreed to have his name placed in nomination for said office and then signed, and then have one of those subscribers swear to the nomination statement.

By Assemblyman HOWARD:

Q. Why would it not be proper to compel every man who signs a certificate to acknowledge its execution, properly certified before a notary? A. You mean, every subscriber?

By Judge KNAPP:

Q. You mean, swear that he is affiliated with the party?

Assemblyman HOWARD: Yes. A. There is a provision as to that — over his signature. You can recognize the difficulty of obliging every man to swear to his signature.

By Assemblyman SCOTT:

Q. How would a provision be — one that would require the candidate to be nominated to first sign the declaration and then have every petition acknowledged before some proper officer that he would accept the nomination if he was a candidate? A. Well, that is in line with my suggestion — that is going a little further than I —

Q. You have him where he could not go back then? A. Yes. Of course it is one thing for a man to consent to the use of his name. Before election day he may change his mind and wish to withdraw that prerogative.

Q. He should still have that privilege? A. He should have that privilege. We were in the section (referring to pamphlet) — on section seven, number of official ballots. That is open to abuse. "The county commissioners shall prepare and furnish for the election officers for the use of the primary as many ballots for each party as are equal to double the total number of votes cast for any candidate of said party within the election district at the last general election." Then provided the candidates —

By Judge KNAPP:

Q. Let me ask right there when those nominations are made in the way which you say, by petition, the ten men who may do it as a joke and thereby multiply the number of candidates, you have to prepare ballots for those people? A. They are printed on the sheet with the others.

Q. Does that account, for instance, for the existence on one ticket of thirty or forty candidates for magistrate, when only two were to be nominated? A. Yes.

Q. Does that sometimes occur where you get thirty or forty candidates? A. Frequently.

Q. And only two or three to be nominated? A. Yes, and then it is a free for all. Our first primary — the sheet of ballots of the different parties of our first primary was a sheet about as big as the size of a newspaper, because there were so many candidates on the independent party.

Q. Can you state how many, substantially? A. I think their first nomination for magistrate of the City party had twenty-three.

Q. And two magistrates were to be elected? A. Two to be nominated.

Q. Two to be nominated? A. Yes, two or four. Then it is (referring to pamphlet) "any party, organized party can demand as many additional ballots as they desire," so that at the last primary, the last winter primary, it was practically an official ballot printed for every man, woman and child in the city of Philadelphia.

Q. That would be a million and a half, wouldn't it? A. Well, a million and a quarter, I estimate.

Q. That is done at the expense of the State, I understand? A. Ultimately at the expense of the State. Now section eight, as to compensation of election officers.

By Assemblyman HOWARD:

Q. Just before you go into that, while you are on petitions, is there any prohibition against the same individual signing the petition of more than one candidate? A. No, there is not; but a man — of course, if a Democrat signs a Republican nomination blank that signature can be attacked.

Q. Yes? A. By the Republican. When a man — there is nothing to prevent me as a Republican signing every Republican nomination petition that may be brought to me.

By Judge KNAPP:

Q. That is good on the face of it, as I understand? A. It is.

Q. And has been good unless it has been attacked? A. Well, ever —

Q. Unless I am of the other party? A. Unless I am of the other party, of the same party.

By Assemblyman HOWARD:

Q. Well, it can be attacked? A. It can be attacked.

Q. I was speaking of the same men signing the petition with four or five Republicans for the same office, there might be other candidates for the same office, I say, can that be done? A. That can be done.

By Chairman MEADE:

Q. Now is there anything on any of these petitions by which the signers have to declare their political faith or their intention to support the men that they are seeking to nominate? A. You will see by the blanks that were left with you yesterday — you will see they have to certify they are members of the party. Now I would say in this connection about one man being able to sign several petitions, in our country counties, men who wish to run — take our thinly settled counties, like Cameron, and some of those men wish to run for county judges, lay judges. There may be three or four men who are ambitious to get before the people — they have great difficulty in getting the requisite number of signatures, because many men hesitate to sign nomination petitions for three or four different men.

By Assemblyman HOWARD:

Q. Well, they should not be permitted to, should they? A. Well, no.

Q. In other words, a man should not be permitted to sign a nominating petition unless he actually intends, in good faith at

the time, to support the man that he is trying to put into the field? A. Well, that would seem so, but the result has been in Philadelphia and in the cities of our State — looked upon — well, a fellow wants to get before the people, let him go — my signature is not my pledge that I would support him. (Laughter.) That has been the practical working out, and it would work in some of our country counties. It would really work a hardship if a man could sign only one, under the present system.

Q. Well, Mr. Chase, if a man cannot get the small number of signers that the statute provides, he cannot be a very strong man in the community and stand much chance of securing the nomination? A. That is true, except in some of our counties in the State where the population is very thin, or where there is a very thin population in large towns. I know I have a letter from some county commission bearing on that same subject. That is what called my attention to it. Yesterday we were told that the city of Philadelphia, the primary elections of this year would cost — the two primaries — approximately \$190,000. Yet, gentlemen, that is in face of the fact, under section 8, that our primary election officers are paid only one-half of what they are paid at the general elections. And while it works a great injustice in Philadelphia, in some of our country counties it works a greater injustice. The election officers in some of our counties are receiving under the certificate of the auditor general only one dollar a day — \$1 for their services as election officers and one-half mileage, considering mileage as compensation. (Laughter.) Of course, these matters can all be corrected and of course will be.

By Judge KNAPP:

Q. If they are corrected, the expense is increased? A. Yes.

Q. Corrected along the lines you suggest? A. Yes. Our Legislature last winter — the only recommendation that I myself made for the amendment of our present primary was increasing the pay of the election officers to be the same as the general elections. Our Governor vetoed it, not that he was opposed to it *per se*, but simply for lack of State revenue. I will now take up the question for a moment of a man presumably not affiliated with a given party, calling for ballots of that party at our primary election. If chal-

lenged they must swear that they voted for a majority of the candidates of the party at the preceding election.

By Assemblyman HOWARD:

Q. Mr. Chase, how does a party that casts no vote at the last preceding election get an official ballot at the primary? A. If he is challenged — he can't, except under the broad construction which you might call the general equities of good government, they were permitted — the new party of last year, in the event of their being challenged, to get that ballot.

Q. Now, that is simply so far as your statute to-day stands, it is simply a disregard on the part of the primary officers of the statute in permitting them to vote? A. I would say so, absolutely, if there was a challenge. Of course, if there is no challenge, why a man gets any ballot he asks for.

By Assemblyman PHILLIPS:

Q. That is, if there is a new party launched, not in existence last fall, and launched in April this year by petition, legally they would have no right on the official primary ballot, is that right? A. No. In this connection, one of our provisions here provides that the party having polled two per cent. at the preceding election shall have a position on the official primary ballot.

Q. Well, I was speaking of one that was simply launched in May this year? A. Yes.

Q. A new party? A. For instance, the William Penn party was formed before our election by nomination papers, and they participated in the so-called spring primary.

Q. Well, had they a legal right? A. They could participate in the primary; but if a man was challenged I do not know how he could get a vote.

Q. I know; but would they be entitled to an official place on the official primary ballot? A. Seemingly, yes.

Q. Well, under the law?

By Judge KNAPP:

Q. That is under the petition system, is that what you say?

Assemblyman PHILLIPS: No, they start originally under the petition system, he says.

A. The William Penn party was formed and got on our February ballot — our ballot in February election, by petition, they polled more than two per cent. of the vote.

Q. Yes. A. They were privileged to participate in the ensuing primaries.

Q. Well, "Having polled more than two per cent. of the vote" — as I understand they never polled any vote before that time?

A. Except — I am speaking of this ensuing primary, not the preceding primary.

By Judge KNAPP:

Q. Mr. Chase, in a few minutes I think I can straighten this out. There are two ways in which they can get on this official ballot, one is where they are an existing party and have polled two per cent. of the vote, and the other is where they want to organize a new party by taking a petition and getting two per cent.?

A. That is it.

Q. Signatures of two per cent. of the vote for the highest vote for any office? A. That is for a general or municipal election.

Q. For a municipal election? A. The primary, yes.

Q. That is what was done in the case of the William Penn party, was it? A. Yes. Now, in my opinion a party should poll at least ten per cent. to entitle them to a place upon the primary ballot in order to cut off so many parties. I do not know whether it was seven or nine columns we had here last spring.

Q. Seven columns or more, was there, last spring? A. Yes, the ballots here that you have will show you. I was not on duty the last winter and spring. Now our section eleven, as regards the opening of ballot boxes, has resulted in a great amount of contention and vituperation, for the county commissioners, in their opinion, were not obliged to open the ballot box under the petition filed. We have been charged with partisanship, gangship and every other kind of ship, except good citizenship. If you care to have me I will read this — I will read this — I would say in passing, there was two hours' argument yesterday on the petition —

Q. That is the present contention, is it? A. Yes.

Q. I think perhaps I can get at that very briefly. The contention as I understand it, goes to the right of a majority on the

board — if specific allegations are not made — specific comprising question of fraud? A. Yes, if you care to read section eleven, you will find — this thought might not occur to you — it says “Upon the petition of ten qualified electors,” etc., “it shall be the duty of the county commissioners to open the ballot boxes of said district and recount the votes.” That is all it provides they shall do, and yet they have been construing it that they should recount the votes and cease to be purely ministerial officers and make a new return and issue a certificate — become judicial officers and issue a certificate of election.

Q. Is there nothing in the law providing for it? A. Absolutely nothing. Judge Start referred to it yesterday. So that some of our friends when the commission have refused to open ballot boxes have said that they are purely ministerial officers and they must open them. Then when it comes to having opened them and in their judgment the votes should have been returned differently, they are expected to become judicial officers and correct the returns — that is one of the inconsistencies. I would say, gentlemen, in order not to take up your time, I would be very glad at my leisure to go over this primary law and make a brief of points that I should — substantially as I shall recommend them to our next Legislature for revising and amending this law, our uniform primary law, recognizing the fact that any attempt to repeal absolutely the uniform primary law would not be seriously considered in the State of Pennsylvania to-day.

Q. Now, during your office as commissioner, having in view the amendment and correction of this law and correction of its defects, did you communicate with commissioners of other counties? A. I did.

Q. And did you get communications from them in reply? A. I have from a majority of them. About a year ago, anticipating that there might be an amended law at our last session of the Legislature, I took up this work, and in view of the fact of the probable adoption of the amendment of the Constitution eliminating spring primaries, I framed an entirely new bill for the last session. I have a few letters here. I received — these are a few, only a few of those I did receive.

Judge KNAPP: I would say to the board that Mr. Chase con-

sents that I may read some of these letters, principally bearing upon some of the questions which you have asked, which show the views of other county commissioners who have this matter in charge in other parts of the State. I won't take the time to read all the letters because some of them cover points that we are not especially interested in. One from Emporium, Pennsylvania, the commissioners of Cameron county: "In regard to the new primary election bill, would say, if there is not some change in the pay for the board, it will soon be impossible to get any one to serve. They should have the same as the general election, and with regard to associate judges in the small counties, they should not be required to get as many signers as in the large counties; should not be over fifty in a county the size of Cameron. We had five out for that office at the last primary and in order to get 300 the same parties had to sign several of the petitions, and it works a hardship on the candidate — there are so many that will not sign but one; then the regular constable should be allowed at the public polls the same as the general election.

W. L. Thomas — I don't know — the secretary — that does not make any difference — the commissioners' clerk —

The WITNESS: For this county the commissioners' clerk as a rule runs the office.

Judge KNAPP: One from Waynesboro, Greene county, Pennsylvania, the commissioner, in a letter under date of August 6th, 1908, suggesting various amendments: "With reference to pay and filing papers, etc." He ends by saying: "These are just a few suggestions, but for God's sake and humanity improve over the former law." (Laughter.) That is from Waynesboro.

Another from commissioners of Wayne county, of Honesdale, Pa.

The WITNESS: I guess about the payment of bills.

Judge KNAPP: That is the payment of bills particularly. It is not necessary to read it.

The WITNESS: I wish you would read that about the payment of bills.

Judge KNAPP: Yes. "The Auditor-General should not have discretion nor power to cut bills, honestly made and paid by the commissioners. It will be a good thing to have a schedule of

prices of certain supplies, and work could be specified in that. For instance, a price fixed for the official ballot, say one cent each for both official and specimen; and also a certain amount of clerical work in the commissioners' office in proportion to the number of voters registered."

One from Norristown, Pa., Montgomery county —

The WITNESS: That is an adjoining county.

Judge KNAPP: August 6, 1908. "Yours of the 4th instant —" This is Mr. Howard, A. B., county commissioner — "Yours of the 4th instant received. In reply to same, I have shown your letter to our commissioners and they seem heartily in accord with the changes you mention but they have no suggestions to make. They will advise you later. As for myself, personally, I think the best change in the primary election would be to wipe it out entirely, as there seems to be very little virtue in it. We would be glad to hear from you at any time if you should have anything further to offer on the question."

By Judge KNAPP:

Q. That is an adjoining county? A. Yes, an adjoining county.

By Chairman MEADE:

Q. Did you get the name —

Judge KNAPP: I have.

The WITNESS: I guess that is a commissioners' clerk.

Judge KNAPP: Robert C. Miller, clerk of the county commissioners of Montgomery county, Pa. I guess that is one (indicating)—well, one from Mauch Chunk, Pa., Carbon county.

The WITNESS: Carbon county. That is the same county.

By Judge KNAPP:

Q. That is Carbon county, is it? A. That is one of the counties.

Judge KNAPP: He says: "The election officers should be given the same pay as is given the primary officers — the same as election officers at regular elections." He says: "In this county we are having a whole lot of trouble to get men to become candidates, for instance, as school directors, and road supervisors

and other offices which don't carry any salary, on account of being compelled under the Corrupt Practices Act to file an expense account for which the clerk of the court in this county charges fifty cents in addition to the affidavit. Now, this, perhaps cannot be avoided; but there should be a minimum fee fixed in the bill for such filing."

By Judge KNAPP:

Q. I do not know that there is anything further that I wish to ask Mr. Chase. A. No business to charge anything.

By Assemblyman PHILLIPS:

Q. I want to ask Mr. Chase generally (I guess the Judge has asked you)—this is for my information. Do you think, Mr. Chase, that the character of the nominees—the character and standing of the nominees of the dominant party in Pennsylvania has been materially improved since the adoption of the Direct Primary Law? A. No.

Q. Do you think that the character and standing of the men who have been nominated to the legislative offices has been materially improved under the Direct Primary Act? A. No.

Q. There is no difference? A. Substantially no difference.

Q. It is your opinion that it has not in any way curtailed the power of the so-called boss? A. Not in the least.

By Chairman MEADE:

Q. Is it your opinion, Mr. Chase, that the power of the so-called boss of the dominant party increases or diminishes? A. Here in Philadelphia, I think it made no material difference one way or the other.

By Assemblyman CONKLIN:

Q. Mr. Chase, it was stated yesterday that no candidate had ever been successful in securing a nomination on the Republican ticket unless he was backed by the Republican organization? A. That is correct.

Q. Do you know of any case in which a candidate has succeeded in making himself the nominee of the Democratic party

when he was not backed by the Democratic organization? A. No, excepting in those cases where —

Q. (Continuing)—the nomination has been stolen? A. Where the nomination has been stolen as we say. (Laughter.)

Q. But apart from the party backing or the organization backing, no individual to your knowledge has ever succeeded in securing a nomination over the wishes of the party leaders? A. No, no material office. Might be for some minor division office or something of that kind — petty office.

Chairman MEADE: Anything further, Judge Knapp, from this witness?

Judge KNAPP: Nothing further, Mr. Chase; I thank you very much.

Chairman MEADE: Much obliged to you.

Mr. CHASE: Gentlemen, if you will permit me to say a word for Mr. Fow. He might be regarded as very largely the father of the election laws of Pennsylvania to-day and can answer a good many questions that I am not familiar with.

JOHN H. FOW:

Judge KNAPP: Mr. Fow presents the Board with a bound copy of the Election Laws.

Mr. Fow: The Election Laws, Corrupt Practices and Uniform Primary Laws.

By Judge KNAPP:

Q. So that we have got the whole thing together here and we may want it. You live in the city, Mr. Fow, do you? A. Yes, I was born here.

Q. And a practising lawyer, are you? A. Practising for thirty-one years. Have represented the county commissioners, Mr. Chase and his colleagues and those who preceded him and succeeded him for ten years.

Q. Ten years as counsel for the county commissioners of this city? A. Yes, and a member of the Legislature for twenty years.

Q. During this time I assume that you have at least been interested in politics and political conditions? A. I am a sort of a crank on the election laws. I have made it my study and hobby ever since 1889.

Q. We would like to know with what party, if any, you affiliated? A. The Democratic party.

Q. We do this simply for the purpose — A. While I merely say that to show that the commissioners of Philadelphia have been Republican for years and years, but yet they chose me for their counsel.

Q. You have been a member, so to speak, of the Democratic organization here? A. Of the Democratic organization, yes. I was a delegate in the National Convention in Denver last July.

Q. I won't ask you if you sat? (Laughter.) A. I was one of it when I went up on the divide and not one of it after election. (Laughter.)

Q. I want to ask you, Mr. Fow, in a general way, what you think the effect of this Uniform Primaries Act, including the direct nominations feature, has been upon the minority party, so to speak, here in the city — Democratic party? A. I am utterly opposed to any uniform primary laws and so expressed myself to the county commissioners when I represented them. For the purpose of getting better legislation upon the subject I joined with Mr. Chase in trying to reform the present act, and we did prepare an act and sent it to Harrisburg and, of course, it was killed in committee — I never heard anything about it afterwards. I am opposed to the present Uniform Primary Act for this reason: That in this State before the adoption of this system each party helped each other to make nominations. Since the adoption of this system, each party helps themselves to make nominations for other parties. That is, prior to the adoption of this system the Republican heelers and voters and workers voted at the Democratic primaries, and the Democratic heelers and workers voted at the Republican primaries, whichever way the bosses wanted the nominations made. Now they get enough together to work out that same system by having petitions filed to put other candidates upon the Democratic tickets, and the Democrats putting their candidates on the Republican ticket. We have had a condition of affairs here when one young man, a candidate for district attorney, was placed upon every ticket except one, by having petitions filed and the consequence is that you may get men who are not fit to perform the duties of the office because

there is nothing to prevent the public from nominating some Socialist or some undesirable citizen on any party ticket, under the present system. There is nothing to compel a man, under the present system — to absolutely compel a man to state that he is a candidate, a *bona fide* candidate, because you may nominate him and then be placed in the position of him withdrawing at the eleventh hour, and then you are in a quandary as to whom you shall nominate; and I have always held that in such instances there is nothing in our law which allows a man to withdraw, that after he is placed in nomination by a certain number of citizens that the petitioners may withdraw his name, but that he cannot because there is nothing in the act to allow him to withdraw, and the county commissioners have been allowing him to withdraw, and that is against my opinion.

Q. Let me ask, if I may interrupt, a question. Since the adopting of this Uniform Primaries Act in the city of Philadelphia, has the Democratic party had as much as a look in, so to speak? A. Hardly — they have not had a look in. When the old method of nominating candidates was in vogue, public opinion nominated and elected the best men that was nominated by either party, and if the party nominated an undesirable citizen — why public opinion in our political history is full of such instances, where the Democratic party has elected its candidates — have elected its candidates — but since the adoption of the present ballot system, of 1891, and the adoption of this uniform primary system, the Democrats have not elected anybody; and I was told the Governor when he signed the act in 1891, was told that the present ballot system kills independent voting. In nine cases out of ten when they go in and ask for a ballot and then go into the polling place and mark it, they don't take any more time to mark it than is usual because of the fear that if they took any longer time than that they are accused of cutting their ticket.

Q. Now you speak of the present situation — the nomination of the district attorney — a Republican upon a Democratic ticket — A. Yes.

Q. What is your opinion upon the nomination procured in that way by the Democratic party. Do they turn out enthusiastically? A. No.

Q. To support the candidate? A. No, no, no. You will find the average man, in a cigar or on the corner and he says: "Oh, what in hell is the use of going to the polls at all. They have nominated a Republican and I will vote for the fellow I think the most of." He won't vote his party ticket — his party candidate — I have got the choice between two Republicans, and I will vote as I please." You will find the Republican the same way when he finds he has the choice between two Democrats, he will vote as he pleases, and it is the means of breaking up party organizations.

Q. When you say "the means of breaking up party organization" do you include in that the majority party? A. No; the majority party have the whip hand. The majority party, especially in the city of Philadelphia, where the majority party have an enormous majority of over 100,000, can nominate anybody on any ticket.

Q. And from that fact then the majority grows stronger and the minority party grows weaker? A. That is the history of Pennsylvania since the adoption of the ballot in 1891. That is the year we elected Governor Pattison, twice, in his terms, and since that time we have not got — the only candidate — and we elected Mr. Barry treasurer. That was because the Prohibitionists joined with us at that time and because of a factional fight in the Republican ranks, and that one faction called themselves Lincoln Republicans. The old system of making the nominations is better than the present system, because if a party, as I said before, nominated a man that was undesirable, public opinion would defeat that man.

Q. You think that a party organization back of a candidate assumes some responsibility for the character of the candidate? A. Yes, sir. They are responsible for him. That party is responsible for him. If they do not nominate a proper candidate the responsibility rests on them.

Q. And that fact will compel the representatives of political parties to select suitable candidates as a rule? A. As a rule, that is, under our present system of voting. But no matter how many laws you may pass for the purpose of allowing a citizen to express his opinion by voting his ballot, you can find no remedy to defeat that concert of action called a conspiracy whereby the vote is

fraudulently counted on the inside. There is no kind of legislation that will reach that and I fail to know of any.

Q. That is a defect — not a defect in the law — but that is a crime that may be committed under any law? A. Under any laws we have not here. A charge openly made we have not at present in court in Philadelphia, yesterday, a charge openly made that in 380 election districts out of 1,100, under the method used in this system, that fraud was committed at the last uniform primaries, and a demand has been made to open the ballot boxes — the petition is on file with the court for that purpose and it was argued yesterday; and the question now simply depends upon the sufficiency of the petition — the facts set forth in the petition. When I was counsel for the county commissioners, we opened a number of ballot boxes to find where frauds had been committed by election officers on the inside. And that clause of the Primary Act was placed in by me when I was a member of the House in 1906 — a whole section was placed in by me — because they were in such a hurry to pass uniform legislation they neglected to place any section in it providing for a count of the vote.

Q. You were a member of the Legislature that passed this act? A. At the special session of 1906.

Q. Was there any particular controversy over the passage of the act? A. Oh, there was a controversy over the different passages of it. I and my party colleagues and a number of Republicans joined in trying to have some effective legislation on that subject passed which was missing from the ballot act, passed an act which re-enacts generally — this is now the act in this State — does not provide for a man who desires assistance to state what defects, physical or otherwise, why he wants assistance, and the consequence is that up in the mining regions the boss can control thousands of votes and no man can vote unless he says: "I want Mr. Jones to fix my ballot." But in this Primary Election Law they have a section introduced that a man must swear as to his defects and why he wants assistance, and we have tried to have that placed in the present ballot law ever since 1891 and the majority party will not allow it to be placed in.

Q. Now, ultimately, after these provisions were adopted by this law, did you vote for this uniform primary? A. No, sir.

Q. You voted against it? A. Yes.

Q. Do you remember what the vote was on that? A. No, I could not tell now what the vote was.

Q. Then you have not changed your opinion? A. No, sir, I have not changed my opinion.

Q. In regard to that since that time? A. No, I have not changed my opinion.

Q. You can't state whether the vote was close or otherwise? A. No, it was not close, because the newspapers throughout the length and breadth of the city and State were calling for uniform primary, and Mr. Chase will admit with me it was not the Uniform Primary Law that we ought to have had.

Mr. CHASE: I would.

A. Because the present method of securing the nomination of — so far as regards State officers and the delegates to the State conventions or national conventions — the law remains the same — except you vote at a uniform primary election, it is not uniform. There should be a uniform ballot so that a man should not be compelled to go into a voting place and say, "I want the Democratic ballot — I want the Republican ballot." There are few business men who will do that. The man who keeps the grocery store and who depends upon the people in that district for support, he is not going publicly to say "Give me a Republican ballot — give me a Democratic ballot" — and nine men out of ten will not go near the polls to vote.

Q. You think that operates to deter many men from voting? A. Yes, no doubt about it. There is no doubt about it.

Q. But the records show here, Mr. Fow, quite a large percentage of the voters did actually participate? A. No doubt about that. Of course, if you don't vote some fellow will vote for you. (Laughter.) That is no criterion to go by, because that is the very reason now inserted in those petitions to open those ballot boxes.

Q. Are we to understand from that that if a man does not vote that somebody else uses his name? A. Yes, sir. It is done thousands and thousands of times, and for the purpose of reducing it to a minimum we passed a Registration Law. I was the father of the registration system in this State. And my bill was always turned down every session until public opinion became so great that we at last passed the Registration Law which is in this book that I give you.

Q. Yes. A. That provides now that a man shall go to a certain polling place and undergo a certain examination, and have his description, etc., placed in a registration book, and if the election officers are careful no man can vote except that man. But they tell me of instances where colored men have voted — down in the Fifth ward — where black men have been registered with white men's names. (Laughter.)

Mr. CHASE: They are color blind down there. (Laughter.)

Q. That is not the fault of the Uniform Primary Act? A. No, that is not the fault of the registration system. It is the fault of the inside election officers, and it gets right down to that same question that I put before, that there is no remedy to have an honest vote, so long as you have dishonest men on the inside to count.

Q. Now, that brings us to some questions here which are of some interest. It was stated yesterday that there is a constitutional amendment pending for the abolition of all selection of election officers by the elective process and the appointment of county commissioners and election officers — substantially the same as the commissioners of registration are appointed — and they in turn to appoint the boards of registration. What do you think about that? A. No, I am not in favor of that. That was a power that was vested in the county commissioners so far as regards the assessors of election. It seemed — or the reason — the county commissioners had the right to fill a vacancy, but they filled it in such a partisan way that the Legislature passed a law giving the right to the Court of Common Pleas to fill those vacancies because they were not filled properly, while the county commissioners had that right, because the county commissioners consist of two majority members and one minority member in this State. There are three commissioners, two representing the majority party and one representing the minority party. They filled all vacancies in the assessors' offices in such a way — such a partisan way that the Legislature passed an act taking that power from them, but those assessors are a part of our elective system. The assessors assessed the voters for the purpose of paying a poll tax. Each voter is compelled to pay here in this State if you are not a freeholder or owner of real estate. If you are the owner of

real estate that poll tax is based upon the assessment and then, after that assessment is made, we have the registration system. The registration system grew out of the corruption in the assessment system — the assessment system became a farce. Assessors have been known to go into a graveyard and write down forty or fifty names they found on tomb stones — assessors were known to — one assessor here, who was tried in our courts because he had on his assessment list “A. Canary” — because he saw a canary hanging in a barber shop window. (Laughter.) And pet animals were registered and houses of prostitution — there were dozens of men registered from houses of prostitution, and the women were simply compelled to give these names for protection.

By Chairman MEADE:

Q. Well, Mr. Fow, will you please tell the Commission what effect the direct primary provision of this Uniform Primary Law has had on the resulting nominations? A. How do you mean, that —

Judge KNAPP: The direct nominations feature.

By Chairman MEADE: What effect has the direct nomination feature in your Primary Law had on the result of the nominations? A. On the result of the general election?

Q. No, nominations. A. On the selection of candidates?

Judge KNAPP: Their character. A. It has had this result, that a party, now for instance, the Democratic party at this election nominated two excellent Democratic lawyers — two gentlemen of reputation, two gentlemen who are well known in the profession — one of them the son of the Democratic magistrate, who has been a magistrate for thirty years in Philadelphia. But they were both defeated by a Republican who had been placed upon that ticket by a petition filed by some one, whether they were Democrats that filed it or not — the name got upon the dominant party ticket at the primary election, and he was nominated over and above the two Democratic candidates. Now he appears on our ticket as the Democratic candidate for district attorney.

By Judge KNAPP:

Q. In other words, the Democratic party was not permitted to name its own candidate for district attorney? A. No.

Q. You mean by that — A. That's what I mean. I mean by that, if this Republican had not been placed on our ticket we would have nominated either Mr. Latimer or Mr. Lang, either of the men.

Q. What is the effect upon the selection of candidates by this Uniform Primaries Act, do they select better or worse? A. No, no.

Q. Let me know the facts? A. They select the same. Years and years ago John Jones was nominated for an office for months previous to the delegate election — that is, before we had the uniform primary. The same thing exists to-day because a man's name was mentioned for a particular office long before the uniform primaries are held, and that is notice to the party workers that they must turn in at the primary election for this candidate. That candidate can be beaten only by public opinion within the ranks of that party. That is what is claimed here in Philadelphia took place at the last primary election. The Republicans who are known as the City party and who belong to other factions of the Republican party claimed that the Republican candidate, the organization candidate, Mr. Oakland, was defeated at the uniform primary and that he was counted in, and for the purpose of testing that fact they had a petition to the court to open 380 ballot boxes. If those 380 ballot boxes are opened, and the fraud is ascertained, of course the organization candidate will not be nominated on his own ticket. This other gentleman will be the candidate of the Democratic party.

Q. What I want to get at is this, Mr. Fow: Do you think it makes any difference whether, in this city, where one party is dominant to such an extent, in the selection of their candidates, whether they are selected by uniform primary nomination system or by delegate and convention system? A. I do not think it makes any difference at all.

Q. In other words, the organization will select its own candidates? A. Yes, sir.

Q. Whatever the method? A. Yes. And has never yet been questioned except just now as to Gibboney.

Q. I have nothing further to ask the witness. A. Never has been questioned.

Chairman MEADE: We thank you, Mr. Fow.

Judge KNAPP: Now, I would like to ask Mr. Edmunds a few questions along this line.

FRANKLIN S. EDMUNDS, a member of the school board:

By Judge KNAPP:

Q. Mr. Edmunds, you are interested in city politics and State politics, etc.? A. Yes, sir. It possibly might help if I simply stated what my own personal experience has been.

Q. Yes. A. I was chairman of the city committee of the City party, which is the independent party of Philadelphia from September, 1905, to November, 1906, covering the period of two elections. I was also the candidate for public office for the nomination of receiver of taxes, and at the first direct primary nomination in January, 1907, received the nomination at that time of the City party and of the Democratic party. I had also been a candidate for office before, having been nominated on nomination papers, but that was under the old system before our Direct Primary Law came into operation.

Q. Prior to your identification with the City party had you been regarded as a Republican? A. I was a Republican and am a Republican still in national politics.

Q. How about State politics? A. In State politics I would say I voted the Republican ticket about half the time and the remainder of the time I voted the independent Republican ticket when there has been one presented to the people.

Q. So that, generally speaking, outside of local affairs, you may be regarded as a Republican? A. Yes, sir.

Q. Will you tell us how you secured a nomination on the Democratic ticket, when you were a Republican? A. In the primary election in January, 1907, which was the first primary election under the act which you gentlemen are now investigating, my name was placed on the nomination paper for the City party and was also placed on the nomination paper of the Democratic party.

Q. By whom? A. By a number of Democrats who themselves were in sympathy with the reform movement in Philadelphia. In other words, it ought to be said that there is a Democratic organization and an Republican organization. There was a number of Republicans who were opposed to the Republican organization, and

at the same time and similarly there was a number of Democrats who were opposed to the Democratic organization. In national affairs absolutely Democratic. It was some of that latter group who placed my name upon the Democratic nomination paper. There were other candidates for these offices, I am not able at this moment to tell how many, but I think there was one other candidate for the City party nomination sheet, and one other candidate on the Democratic nomination sheet, but I was fortunate enough to secure the highest vote in each of those places.

Q. Do you think that that is a good feature of this law, that permitting the nomination of Republicans upon the Democratic ticket and *vice versa*? A. It seems to me —

Q. Just let me finish my question. And *vice versa*, and compelling the party in a sense to support as its candidate a member of another party? A. It seems to me that is a matter purely within the control of the members of the party itself. I am a member of the independent party which several times lost its nomination by having others belonging to the majority party voted for at its primary and endorsing the nomination; and I think, in every case, it is the fault of the independent voters themselves. In other words, it seems to me —

Q. You say the fault — is it good practice, is it for the betterment of the party organization and the wise and right administration of city government? A. I would separate those two points in your question, sir. I do not think that the benefit of the party organization has anything to do with wise administration of city government. My own belief is —

Q. In other words, you do not believe in any party organization for city government? A. For city affairs, exactly. Now returning to your earlier question, it seems to me, — one moment — that there has not been a time when if the majority of the members of the particular party had attended the primaries and safeguarded themselves as they properly can — by challenging those that have got no right to accept their party ballot — there has been no time when they could not have protected their ballot if they had chosen to take the trouble, and I do not know of any law that will save people who do not want to save themselves.

Q. Then you think it is legitimate, both from a legal point of

view and from a moral point of view, for the member of one party to vote the ticket of another, unless he is challenged? A. Well, I think there is a difference in cases. It being borne in mind — it must be borne in mind that a lot of people call themselves City party men, or independents, who are at heart Democrats, and consequently they had no compunction of conscience in voting in a Democratic convention.

Q. Nor do, as a matter of fact, Republicans who vote at Democratic primaries, City party Republicans vote at Republican primaries and City primaries, just about as they please in the city, don't they? A. I think that is probably true; yes.

Q. By saying they vote at the Republican, Democratic or City party primaries, they vote the ticket of those at the uniform primary? A. Yes, sir.

Q. Do you think that practice is quite general? A. At times it is quite general, and unless —

Q. And not regarded as a political or moral offense? A. Of course it is to be borne in mind that the act itself defines — he may vote at the party primaries and all of these people — it defines it by saying — that they must have voted for a majority of the candidates that were voted for at the previous general election.

Q. I think, Mr. Edmunds, the act says that if challenged he must take that affidavit? A. Yes.

Q. And it does not say that in order to vote for such a ticket he must have that qualification? A. Then I think you might possibly fairly say that the act suggests that definition as to who may vote at any party primary.

Q. Well, it is true, is it not, that men of good reputation and men who stand well and who would not knowingly commit an offense against the law, claim that they have a perfect moral right to vote any party ticket so long as they are not challenged? A. No, sir; I should not say that at all, but I should say that owing to the peculiar nature of our ballot it has been in times past that a man, say — for instance, take my own case, be qualified under that act to vote at two party primaries, because last November I voted for the Republican national electors, which was a majority of the candidates upon the Republican ticket, and I also voted for an

independent local ticket, which was a majority of the candidates upon the local ticket, and consequently, under the terms of that act. I am qualified to vote at either primary, and I think myself therefore as justified either morally or legally, in exercising my own option as to which primary I will vote at.

Q. Your case might be exceptional? A. No, I think that on account of the peculiar nature of our ballot that it has happened very frequently, that that case has happened. For instance, in the nomination of our local judges, it very often happens the same men are upon the Republican, Democratic and Independent ballots, and when that is true it means, as a result, that you can make almost any combination you please.

Q. You would not agree then with Mr. Gorman that that is one of the defects of the system, the ability with which the member of one party votes the ticket of another party, and the ability with which the majority party secures the nomination of its members upon another ticket? A. It has certainly been a defect in the working out, in my own belief, of the nominations; it has been a defect because people not legally qualified have voted at one or other of the primaries. And my feeling is that it is a defect which could have been corrected if the people were alive in these conventions and who wanted for themselves an honest primary, and had attended as watchers and had challenged rigidly.

Q. Now we must always assume that it is the people themselves that have got to carry into effect and execute all these laws? A. Exactly.

Q. Will this process of nominations correct the people so as to make them perfect and perform their legal and their civic duty?

A. My own belief is that as it goes on there is bound to be an increased interest in the primary election, and hence to use their privileges as voters, taking part in the primary election. When the time comes when 100 per cent. of the voters take part in the primary election then anything like a wholesale plan for stealing the ballot or candidate of the opposite party would be impossible.

Q. You had this system in force about three years? A. Yes; January, 1907, was the first election under the act.

Q. So far in its history the dominant party has succeeded in nominating its members for the principal offices and electing

them? A. That is entirely true, sir. But I desire with that answer to call attention to the fact that there has never been an organized attempt to defeat the dominant organization in the primaries. Both these cases the two men who were favorable to the organization have one ticket at the primaries. The two men who are opposed to the organization have a ticket of another party at the primaries and all because there is no fight between the two. And consequently it does not seem to me the act has been fairly tested.

Q. If the Republicans remained in their party lines — as their faction entered into the contest within their own lines — they might possibly — the reform element might nominate its candidate possibly? A. I think that is entirely possible, sir.

Q. In the case of Mr. Gibboney, that would have been easily accomplished? A. Yes.

Q. If the William Penn party and City party votes had been cast with Gibboney by the Republican party? A. If only the Republican part of the William Penn vote had been cast for Mr. Gibboney in that primary — Gibboney would have been nominated for district attorney without the Democratic party by a very large majority. I hold it to be, myself, a mistake in political policy which takes the independent vote and divides it upon a primary election between two ballots, making what would be the minority in one place or the minority in another place rather than by consolidating in the city and town and be the majority.

Q. You think it is a good feature of your election law that permits the organization of a new party upon the eve of election, for the purpose of selecting some particular candidate and adopting a new name as has been done in this city frequently? A. It seems to me that you will have to judge of the exigency by the particular circumstances of the case. I think it has been justified in the past. As a general line of political policy I say, no. The party name ought to be identified with a particular candidate and if the name is going to be changed every six months, who is going to stand as an example of that particular set of principles.

Q. You believe, then, in party organization? A. I do believe in party organization, although I think the smaller the degree of party agreement there is in reference to municipal affairs the better it is for the municipality.

By Chairman MEADE:

Q. It means, then, that you sum this whole situation up about, in the fact, whichever system you have, the convention system or the direct nomination system, it all depends upon the interest the people take in the situation? A. Yes, sir; I would like to go one step further than that and say that, in my judgment, when the people are roused — now, of course, when the people are asleep, while it might be that nothing might happen in the interest of good government; when the people are aroused, I believe that the direct nomination system gives them a far better chance to show their power and to bring about the results which they have not given them in the delegate and convention system.

By Judge KNAPP:

Q. Now, just upon that point. Prior to the adoption of this system here the people have been aroused and defeated the dominant party in the State prior to that, haven't they? A. Yes, sir.

Q. And never since? A. They have never been roused, in my judgment, at any rate, since January, 1907, until I think within the last six months. Within the last six months there have been signs of a re-awakened interest.

By Chairman MEADE:

Q. They could do it if they were roused, under the old system? A. Yes; I think it would take longer and I think it is more difficult. For instance, you have other defects in the convention system — you have some divisions in the city of Philadelphia having less than 100 voters — I do not know, but the ex-county commissioner may correct me — there are probably some divisions that have less than sixty voters, and there are other divisions that have 300 or 400 voters, and they are all represented by a single delegate in reference to a convention. And unless you keep continuously readjusting to meet the shifting population, you are bound to have this difficulty of some neighborhoods not represented in a convention as you would in primaries being represented. Of course that is all obviated by the direct primary.

Q. Don't you have representation by delegates according to a

certain number of population? A. No, sir; we have one delegate for each division, for each election division.

Q. Regardless of population? A. Regardless of population, although it is our law that unless a sufficient number of electors have voted, the division may be divided by the court; but that is rather a cumbersome process to work out to have these graduated.

Q. If you had one delegate for a certain number of population your objection would be obviated, would it not? A. To a certain degree it would.

By Judge KNAPP:

Q. One question, Senator, I wanted to ask: Are you able to draw a conclusion that under the system of uniform primaries and direct nominations which you have here, you can accomplish as reformers what you are not able to accomplish under the delegate and convention system, when as a matter of fact the defeat of the dominant party was accomplished under the old system and has never been accomplished under the new system? A. Well, of course, the old system has been tried in the city of Philadelphia for many years. The new system has only been in operation for two and a half years. The new system came in operation when there was a sort of political exhaustion in Philadelphia, following a period of continued effort.

Q. Only shortly prior, as I understand it, to the adoption of the new system, a so-called reform mayor was elected here, wasn't he? A. No, there never has been a reform mayor elected. There was a mayor elected on the organization ticket who was an organization mayor and who afterwards became a reformer, using the term in the way it is now used.

Q. You refer to Mayor Weaver? A. Yes, Mayor Weaver. He was elected as an organization mayor. It seems to me that the reason why the direct primary is just now — well, I ought to divide my answer in two parts — one reason why, personally, I favor working under the primary act is, because in the State of Pennsylvania our direct primary law is a modern piece of legislation, whereas, our election law is an antiquated piece of legislation. In our direct primary law there is certain safe-

guards against fraud that you don't find in our general election laws and hence some of us who have made a study of the election laws have felt it was better for reforms — it would be better to have this primary law where they vote under the better law rather than to have this general election law where they fight us under the more cumbersome law. Let me state the difference — the point of difference. For instance, in the general election law the voter can ask for assistance on any ground he pleases — if he says he wants to have John Smith go into the booth with him he makes an application and he takes John Smith in, and that is all there is to it; whereas, under the new law he can only ask for assistance when he makes an affidavit that he cannot read or write and is physically incapacitated. In cities like Philadelphia where there is a large vote which is under the suspicion of being purchasable, it is a very great advantage to have the protection which the primary law gives in comparison to the protection which the general election law gives.

Q. That could be modified by legislation? A. That could be modified. That has nothing to do with the theory of the question that you gentlemen are inquiring about, but at the same time it is one of the reasons why a number of us are favorable to making independent fights under a primary act rather than under the general election law.

By Chairman MEADE:

Q. You think, Mr. Edmunds, that those things that you have mentioned have been a greater help to the independents than the mere fact of the direct nomination part of the law? A. It might be.

Q. The safeguards that were thrown around your direct primary election? A. Yes; it is a matter of fact, sir, we have never been under primary law with the single exception of this last June. There has never been — even this last June there was no organized effort to nominate a candidate in opposition to the organization candidate. There was a general feeling of dissatisfaction with the organization that concentrated on a particular man, but I mean there was no single committee that was as strong to have effect in the Republican primaries; there was noth-

ing of that sort. It was merely an expression of popular dissatisfaction. There has never been an organized fight within the primaries. The argument that I am trying to make is that we in Philadelphia are not in a position to determine the success of this law, because we have never had it for a fight and it was made for the purpose of helping fights.

By Judge KNAPP:

Q. What opportunity has a poor man who may be a worthy applicant for political office and who has not the support of any political organization, to secure nomination under this law in this State?

CHAIRMAN MEADE: From either party?

A. Well, I can only answer it from my own experience, because I withdrew from political committees immediately after having been appointed to the school board—I felt it was no more than right to abstain from participating on political committees, and I do not know anything about their accounts—since January, 1907. I was a candidate on a Democratic ballot and that, so far as I was concerned personally, cost nothing. I was a candidate on the City party ballot and that nomination—I can give only what my impression is—cost me \$250 or \$300—that was the amount of money that I spent and that was spent in literature and things of that sort. Now, there have been cases of men whose candidacies have cost more and I think there have been candidacies which have cost less.

Q. Well, what I am getting at is this: Suppose in your case you were not supported by any political party, like your City party? A. Yes.

Q. They were for you—conducting your campaign for you? A. Yes, yes.

Q. Now what opportunity has a man who has no political organization back of him to secure a nomination? Can he do it? Is it a possible thing would you say? A. It would depend to a very great degree on the way a man was known and the way in which he was in the public mind. Now, in Mr. Gibboney's case, in the Republican primaries last June, it did not cost him one penny, but that is because Mr. Gibboney is well known probably

to the voters generally, and the men who were independent were dissatisfied with the existing condition of things.

Q. Mr. Gibboney had a party back of him, known as the William Penn party —? A. But that is in the Republican primaries I am talking about. Where the William Penn party —

Q. In the Republican — A. In the Republican primaries. The William Penn party would not go astray with 50,000 votes.

Q. They would not take — A. They would not take the Republican ballot. Now it looks as if an unknown man was to proffer himself as a candidate for public office under the direct primary system, I would have no doubt he would have to spend a good deal of money in the way of advertising himself, causing himself to be known; but if the candidate is known in public life, whose record is known; I do not believe it is a whit more expensive one way or the other.

Q. Where he makes a personal canvass you think it would not cost him any more than it would for instance in getting before a convention? A. No.

Q. And securing delegates? A. Of course, if he adopts the plan of going around in the various wards and speaking to everybody and addressing mass meetings, if that is the kind — a man who wants to do that in order to get known, it would cost him money.

Q. You don't mean to say that a man who is not supported by some political organization could be nominated for mayor of this city? A. The man who is not supported by a political organization and who is not well known in public life could not be nominated under this plan without the expenditure of a great deal of money in that way to cause himself to be well known; but I believe it would be entirely possible to take citizens who are well known and make an excellent fight for them at the primaries, and about the only thing — provided that all the forces who favored their nomination asked for the ballot of one party, rather than divide it. That is something —

Q. Provided humanity got out and did its duty? A. That is it exactly.

Judge KNAPP: That is all I care to ask Mr. Edmunds.

By Assemblyman HOWARD:

Q. Just one question, please. Assuming that a primary and direct nominations law is to be had, what is your judgment as to whether or not the man placed at the head of that ballot has any advantage over the man who is two or three places down?

A. My feeling is that he has an advantage if it is the kind of a case in which there are half dozen candidates equally poorly known. If the voter knows the man he wants to vote for — in other words, if he has any particular name in his mind, the voter will pick that name out. But it sometimes has happened — suppose, where they have a nomination for magistrate in the city of Philadelphia and there are probably twenty different candidates and they are equally unknown except in the particular locality where they happen to serve as magistrates, in these cases the man whose name is first has an advantage in the candidates' scale.

Q. Now, let me put a question to you. Assuming a case, if a direct nominations system were to be in vogue whereby the party committees of the various parties in the political subdivision for which officers were to be nominated, have the right to designate what is known as the party candidate, and then as many others get on the ballot as see fit by securing a certain number of signers to the petition, but the party nominee, the party candidate should have the first place on the ballot regardless as to how his name appeared, would or would not he have an advantage? A. We have never had that in actual practice, but it has nothing practically to do — I could not answer just from the point of view as to what the placing him there — but my point of view —

Q. Your judgment? A. I see no reason why the party should not have the right to make the nomination appear on the same plane as the others. I confess that I would like to see them grouped alphabetically or in some way. I would not put the party nominee at the head of the list.

Q. Well, now, just one more question. Do you believe that the caucus — commonly called caucus — primaries should be held for all parties at the same time and place? A. Yes, sir, I do. I do not see any other way whereby you can get the services

of election officers who are sworn to truthfully and properly conduct the primary election. If we had fraud we will have fraud the same as we have had in times past here — it would cause chaos.

Q. How would this work for the purpose of primaries: to put your two election districts together and permit the election officers of one party to hold their primary in one of the voting places and the election officers in the other party to hold their primary and their elections — A. Yes; well, I can conceive of difficulties in that, because in a city like Philadelphia where there is a marked preponderance of one political party, if you poll the voters of two election divisions together you might have a physical difficulty in the time it would take to get the voters of that particular majority party to —

Q. That would necessitate restricting the size of the election district? A. Yes.

Q. What do you say as to whether or not, if the primaries are held jointly, the ballots should be of the same color? or different color? A. Well, that phase of the question, I confess, I am not able to know very much about. There are some of us here in the city who favor the idea of one blanket ballot for all the parties so that a man might get his primary ballot without saying what party he is a member of. That argument has been urged by some. Personally, I confess, I am without an opinion upon that, because I have not argued it in my own mind.

Q. Then, if you had one blanket ballot, that would permit every elector to vote for whatever party he saw fit? A. Yes. It has been argued by some. That is to safeguard the secrecy of the ballot to that extent. Men don't like to go into the election place and say that they are Republican or Democrat or Independents.

Q. Do you think a man ought to be ashamed of his position? A. No; but I think in some cases men are afraid of coercion being exerted upon them either one way or the other.

Q. If you had a blanket ballot and there was only one person seeking the nomination for mayor on the Democratic ticket and there were three or four upon the Republican ticket, the man on the Democratic ticket having received one vote would be nominated? A. Right.

Q. Then that would permit the other party voters, knowing there was only one candidate upon the Democratic ticket, to take — to so shade the nomination on the other ticket as to insure the election of the Democrat? A. Right; yes.

By Assemblyman PHILLIPS:

Q. Well, don't you think, Mr. Edmunds, if we had that sort of a blanket ballot you would absolutely destroy parties? A. I am not personally defending the blanket ballot.

Q. That is, the blanket ballot for primaries? Do you believe in it for elections? A. Yes. I am not personally defending that idea. I think it has been thought by a good many people it would be of advantage to the independent party; voting at the primary election would be much increased if there was a secret ballot, so that a man could go in and vote; for instance, if he wanted to vote the independent ticket he would not be obliged to proclaim it to all the world that he was going to vote the independent ticket. And there have been some independents who have been in favor of having a blanket ballot at the primary elections, and from that point of view I am quite willing to admit that it produces the practical difficulties which have been just suggested this afternoon here so seriously as to almost preponderate.

Q. Do you believe that this direct nomination system should be extended to nominations for the State officers? A. I see no reason why it should not. In other words, it seems that the same series of reasons that would operate for municipal offices would also operate for State offices.

By Judge KNAPP:

Q. Is there any agitation for having it extend to the nomination of United States senators and State officers? A. There has been a little agitation in favor of the election of the United States senators by direct vote, but there has been no agitation to extend this primary act to the State officers here in Pennsylvania; at least nothing but the mere mention of it, nothing that deserves the mention of the name. I would like —

Chairman MEADE: Go ahead.

A. I would like to say that I think it is a defect in our act that the number of signers in order to cause a name to be placed on the ticket is so few. I think in most cases it is only fifty signatures for the entire municipal offices, and that accounts for, in many cases, a primary election can be turned into ridicule by fifty names being secured for a man whose name is merely a jest and a by-word of the people and yet that name, under the law, must be printed on the ticket.

Q. Has that been done sometimes? A. That has sometimes been done. My feeling is that it would be very much better if a large number, I should think 500 in a city the size of Philadelphia.

By Assemblyman HOWARD:

Q. What is your judgment as to whether or not it is advisable to have elected or have appointed by some responsible head, the election officers? A. Personally, I have been in favor of electing them, on the general principle that the election officer represents a division of the people themselves on the issues in the town or township. I am very willing to admit that it has produced bad results in some localities.

Q. As a matter of fact the people of an election district will vote for a man as inspector of elections when he is physically incapacitated, because of friendship or sympathy, will they not? A. Yes, in many cases it is regarded as a good place for a pensioner.

Q. Well, they are judicial officers in a sense, are they not? A. Yes.

Q. And they should be compelled to pass some examination, or some requirements should be put — A. Yes, yes. I think I ought to in fairness say this: that unquestionably the character of the men who have been named as our registry board, appointed by our registration commissioners, is very much higher than the average of the election officers elected by the people. That would be my own very strong thought after the observation I have had in Philadelphia.

Q. Now, have you ever seen anything of the working, or do you know anything of the working of the joint primary or direct nominations in rural districts? A. No, sir.

Q. You are not familiar with that? A. No. But I have talked with a good many men who, like myself, are in sympathy with what you may call the independent Republicans, this winter, and in a number of counties near Philadelphia I find that they are very well satisfied with the Direct Primary Law. I may say by way of explanation that in 1905 we organized what was called the Lincoln party, which was an independent State party, in a number of counties around Philadelphia. The Lincoln parties have gone into Republican primaries and worked in the Republican primaries, because they say that under the direct primaries it gives them a far better opportunity than does the General Election Law for the assertion of their ideas. That is the case of Delaware county, Chester county and quite a number of counties adjacent to Philadelphia.

Q. What would you say, in any election district where some of the voters were obliged to go as far as ten miles to reach their voting place, as to whether or not a direct primary would be practicable? A. My feeling is, in a situation of that sort, the number of election divisions should be increased. It puts too much of a strain on the voter to take him that length of distance.

Q. Yes, but in a district where some of the people would have to go that distance, and there was not, say, over 150 voters, it would make it pretty expensive for them to increase the number of districts? A. I think so, beyond a question; yes.

Q. More than the benefits to be derived from it, wouldn't it? That is the burden that would have to be added to that where the local people have to pay the expense? A. Yes; although in fact we have held the primary election on Saturday afternoon and evening, and I think in a great many cases prevented it from interfering with people's working hours, I think it has in a great many cases they rather liked that they should be, that there should be a primary election held just at that time. It has given them an opportunity to take part without any interference.

Q. Well, the fact that the State itself here pays all the expenses—how would it work where the political subdivision was obliged to pay the expense, or the added expense? A. The cost is so great that I can conceive it would be a serious objection in communities of that kind.

Chairman MEADE: I am very much obliged.

By Assemblyman CONKLIN:

Q. Just one moment. Do I understand that you were a nominee on the Democratic ticket at one time? A. In January, 1907, I was nominated for receiver of taxes in this county on the City and Democratic tickets.

Q. Well, now, were you — was there at the time you were nominated on the Democratic ticket, was your opponent at the primary any candidate who was known as the Democratic organization candidate? A. I should say there was, although I would not be able at this moment to give you his name. My impression is that in the dominant party there were two other names, I think, what we assumed to be straight out Democratic candidates.

Q. You were nominated then on the Democratic ticket, notwithstanding the fact that you were not endorsed by Democratic organization leaders? A. Right, sir.

Q. And were you then nominated, in your opinion, by regular Democratic votes on that Democratic ballot? A. Absolutely. This was the very first primary election held under the law. The idea that a man went into one party's primary in order to steal the party primaries had not been developed. There was something like 60,000 votes cast at the Republican primaries, 30,000 at the City party primaries, and 10,000 at the Democratic primaries. That allowed — that is about the relative proportion of the parties. My own feeling is that my nomination at the Democratic primaries was by Democratic votes, but it was by the independent Democratic votes which were not in sympathy with the organization in Philadelphia.

Q. And have you known of any other cases where a candidate has been nominated at the primaries either in the city at large or in smaller divisions, where he was not a candidate of the organization? A. Mr. Fow, who has just been before us, complained a good deal because Mr. Gibboney and Mr. Murphy had been nominated by the Democratic primaries this last June; hence, they were nominated against the Democratic organization. My belief is that they were nominated by independent Democrats who preferred Gibboney and Murphy for local offices to the candidates that were recommended by the Democratic organization, I think, is an illustration.

By Judge KNAPP:

Q. As the majority party? A. There therefore is an illustration in the Republican vote of it in this last election in the city of Pittsburgh, in this last election, when there was a candidate for sheriff nominated who was supported by the Republican organization and who was obliged to make his own fight. I think he was an unknown man in politics and there was something like seventeen or eighteen candidates on the ticket, and he made a fight and when it got down I think he got something like two to one —

By Assemblyman PHILLIPS:

Q. Do you know how much money that man spent to get the nomination? A. I do not believe that he spent scarcely anything, but I am told that he had friends who spent money. (Laughter.)

Q. I saw something — well, you know it was reported — I was talking with a man from Pittsburgh not long ago where they claimed that way up in the thousands of dollars were spent in securing a nomination — A. Yes.

Q. This man is a very wealthy man who ran for sheriff — A. Yes, I see.

Q. That is the way I was told? A. I think that Pittsburgh experience should really have the investigation of this Board, if you are going there, because I think it was the first illustration we have had under this act in any of the cities.

By Assemblyman SCOTT:

Q. Do you think that the nomination of yourself as receiver of taxes and Mr. Gibboney as district attorney tended to have any effect on the organization of the Democratic party in the city? A. Why, I should say that the natural result of it would be to suggest that municipal affairs are being taken out of the purview of the political organization of the national parties — and I think that result is a very good thing.

Q. And you think that the direct primary principle tends to that end? A. I do, indeed. I think it tends to make people vote for the man.

Q. On that theory do you believe there should be no party responsibility for State officers? A. I would not like to say how far to go — I would like to carry it into State offices.

Q. At the same time you say you are in favor of extending it?

A. No, I do not.

Q. I understood you to say — A. In favor of extending direct primaries. I said that the question of extending the direct primaries to the State of Pennsylvania had never been suggested as any positive programme. In a general way that, I confess, was what I was thinking of at that time — was the Governor and executive officers. Now I do see some cause of objection when you get down to the Legislature who have to vote for the United States Senators, because you then get into the field of national politics.

Q. Do you think that the government of the State would be better administered by the men who should be elected to carry on that government — whether they should be nominees of regular parties and had a definite policy and seek to carry out that State administration, rather than an incoherent organization of people who don't have it? A. I never heard of national parties that had any particular policy that was characteristic in either State or municipal matters. You may have them in New York — but we have not got that in Pennsylvania. I should possibly also qualify that — in either party, independent Republicans or Democrats — as regards their administration — the feeling is we both want a nice, clean cut administration on salient lines whatever difference there may be on Republican and Democratic national lines.

Q. Supposing the question of taxation might be different. In our State the Democrats believe in one theory of taxation and the Republicans in another. Now, there are two different lines of policy? A. We have got a condition recently in Philadelphia —

Q. Now I ask you, which do you think is the best, to have the government administered by a party which has a definite policy in that respect or administered by people who have no coherency and believe in any theory that comes up? A. Unquestionably, if there is a fundamental line difference that arises, one party supporting one point of view and the other party supporting another, it is a good thing to have for a candidate one that expresses that particular party policy, but I believe that nine times out of ten you don't find any such question suggested in either a local, municipal or State election. In other words, I think it is purely a question of honest and efficient men.

By Chairman MEADE:

Q. Do you find that there is objection to nominating legislators by direct vote of the people where these legislators are to vote for United States Senators and take part in national affairs? A. No, sir; the question of the gentleman was whether or not I thought it was a good thing for nominations to be made in any such way as to disintegrate the party organization — with regard to party organization — my belief was that we could make nominations without regard to party nominees for the good of the people, except in regard to legislators who were to vote for United States Senators and Congressmen, and national policies.

By Judge KNAPP:

Q. Congressmen are nominated by direct nomination? A. Yes, sir.

Q. And legislators are nominated by direct nominations? A. Yes, sir.

Q. In this State are they not? A. Yes, sir, and I might say that in quite a number of cases along party lines the independents have made good nominations or agreements in order to help these national parties.

Q. It is purely a matter of practice. A. Purely a matter of practice.

Q. Under this system it might be possible for a majority party to dictate the nomination of a minority party man? A. Yes, it might be.

Q. On the Republican or Democratic ticket for Congress? A. Yes, entirely possible.

Q. Where he represents national issues? A. Yes, it is entirely possible.

By Assembly PHILLIPS:

Q. Before the adoption of the direct primary plan the statute provided for some method, did it not, whereby you could secure an independent nomination and have their names on the ballot at the general election? A. Yes, sir; by nomination papers. We selected that party name and circulated the papers and if we get 2 per cent. of the number of votes which was voted for the can-

didate highest on the list, who had the largest number of votes in the preceding election that name went on the ballot.

By Assemblyman CONKLIN:

Q. You have stated that it is the purpose of the independent or city party, with which you are identified, to induce voters to alienate themselves from the national party in municipal or local affairs; and you believe that this direct nomination system is of assistance in doing that. Did I understand you to say, somewhere back in your testimony that you had communications from the old leaders in the Lincoln party, from the surrounding counties, to the effect that they had abandoned the Lincoln party because they had a better opportunity of going into their own regular national parties and controlling them? A. And making their fight there; yes.

Q. And would that indicate that the voters rather than following their organization in local affairs would, because of the opportunity that he has under the direct nominations, go back to his national party? A. I think that this is true; but I think that when the voter votes directly for the candidate it gives the independent voter within the party a greater chance for the exercise of his activity than he has under the delegate and convention system.

Q. But would it not encourage him to abandon his national party in local municipal affairs? A. No, no, no, indeed. The difficulty, I am free to say, with the present plan and the local third party in Philadelphia, is just this: That every man who is a member of the City party or the William Penn party practically keeps himself aloof from taking part in the primary election for national affairs; but if he is a member of the City party — the City party has never given candidates for Congress — he can therefore vote the Republican candidate for congressman or assemblyman, and, consequently, in the primaries, he is disfranchised upon the national question.

Q. And would not that defeat your purpose in trying to organize local or municipal parties as distinct from national parties? A. I am afraid that you don't quite understand my point of view. We urged the establishment of a local third party before we had

this primary — we urged the establishment of the City party in 1905. The primary act went into operation in 1907. Since the primary act went into operation a good many voters who in 1905 were the most active in starting the City party are now urging that the fight can better be made under the direct primary law in the primaries of the national parties.

Q. Well, then, that would have a tendency to wipe out ultimately the local independent parties and continue the national parties as tenders and only tenders in municipal affairs? A. We did fight at the primary election rather than at the general election, and I believe it would be a very good thing for the State if that was the case.

Q. I had not finished — when I was discussing — before the nomination of candidates on one ticket or the other — but without the support of the party organization — have you known of it in the mere local fights — in the district fights — I do not know whether you have aldermen or not — A. Councilmen, we call them.

Q. (Continued.) Or members of your lower house, where they are obscure and not known to the members at large — have you ever known of any case there where an independent man, not supported by an organization, has been able to secure a nomination? A. There have been several cases in what you call ward fights for local control, to control the ward committee for the local nomination; there have been several cases in which successful fights have been made against the dominant party organization, and I think it would be the general opinion of the men who have made those fights that they have had their work facilitated by the direct primary in getting away with what they could not have done under the old plan.

Chairman MEADE: Mr. Edmunds, we are very much obliged for the time and trouble you have taken to come here and give us light.

Judge KNAPP: The Committee is invited to the City club for luncheon at 12.30. I think it would be better to adjourn to 2 o'clock.

Chairman MEADE: We stand adjourned to 2 o'clock.

AFTERNOON SESSION.

DANIEL J. SHERN:

By Judge KNAPP:

Q. Mr. Shern, what part of the city do you live in? A. I live at the corner of Eighth and Spruce, which is really the central part of Philadelphia, and my division in which I reside is composed of a great many colored voters, probably a majority, 250 or 300 colored residents reside within the precinct.

Q. What degree of illiteracy or otherwise? A. A Moderate degree of literacy I should say — above the average.

Q. Were you a member of the House of Representatives of this State at the time of the passage of this act? A. I was a member of the House of Representatives for the sessions of 1903, 1905, 1906, 1907 and the present session of 1909.

Q. Your political affiliations are what? A. Republican.

Q. May I ask if you were one of those who advocated and voted for the direct primary system? A. I did.

Q. And that has been in vogue for five primaries I think? A. Since January, 1907. That is, the fifth primary was held a few weeks ago.

Q. Can you enumerate some of the things which it was supposed or claimed that this direct uniform primaries, with the direct nomination feature, would accomplish, the evils removed, etc.? A. The uniform primaries was agitated prior to the extra session of the House of Representatives of Pennsylvania of 1906 by very nearly the united press of Pennsylvania, on the ground that the system of conventions were controlled by bosses, representing the different party organizations, and that the delegate system was corrupt, and that uniform primaries or system of direct nomination would remedy these defects in the delegate system, the theory being that every man was born equal and had a perfect right to go before his fellows for elective office. And it was thought then that when a man desired to be a magistrate or a constable or councilor in a respective ward, or a district attorney, or any other office to which he could be elected, that there would be a great many individuals who would take advantage of the system of nomination. But I am sorry to say that has not worked out in practice.

Q. Will you state what your observations have been from the working of the system up to this time in the city and in the State, as to its results? A. I was a firm believer in the direct uniform primary system at the time the bill was passed, because I felt that it would be the means of stimulating political interest among young men, particularly in the respective precincts or divisions of a ward, and in the wards there would be organizations formed by young men who would take an active part in politics, and go before their respective electors for office. But since that time, that theory, as I said before, has not worked out practically. It seems that when an organization—either organization—the independent or reform organization, the Democratic organization, the Republican organization of the ward and the city agree on certain men, those men are usually elected. For instance —

Q. You mean nominated? A. Nominated. For example, we had one primary where the Republican organization agreed on certain men, and nobody filed any nomination papers against them, so that we had a mixed experience of a uniform primary system — of a uniform primary election with nobody to vote for except certain men who were agreed upon by the whole organization. The same thing applied to the Reform party. There was a magistrate to be chosen among the Independents, and there were about twenty or twenty-five individuals who desired to receive that nomination. They filed their papers, a good number of them, and subsequently they withdrew, and it narrowed itself down to two or three men; and the man that the organization — the Independent organization — agreed upon was, of course, nominated, and he is now serving as a magistrate. His name is Barrett — I do not remember what his first name is. So that the uniform primary system, to my mind, has not accomplished the results which in theory it was thought it would accomplish, and it has also been an immense expense to the city of Philadelphia and the State of Pennsylvania. There is another defect in the system, and that is that individuals who have no affiliation with the party upon which tickets they are nominated secure nominations upon that ticket and go before the people to be elected on that particular ticket, when they have absolutely no affiliation with them. For example, a Republican is sometimes chosen at the primary election on the Democratic, the

Prohibition or the Independent ticket, the William Penn, Philadelphia City party, when, as a matter of fact — and vice versa — we had an example the other day of a man who has had no affiliation with the regular Republican party, whose name was filed by fifty electors and on a Republican ticket, and he secured a great many votes. I say there has never been an expression of his Republican principles.

Q. It is claimed generally by the press and advocated by many public speakers that this system of direct nominations will tend to diminish the power of the political leaders, frequently called bosses. What is your observation in that regard? A. That has not been demonstrated here in Philadelphia.

Q. The dominant party, as has already been stated, is the Republican party, is it? A. The Republican party.

Q. And has that party from your observation dominated the election since this law went into effect, and the nominees, just the same as before? A. Yes; but the whole organization has agreed on his name, it has been filed, and no other names have been filed and he has received his full party vote.

Q. And I think it also has been stated here that the majority party — the majority party has also in many cases dominated the nomination of minority candidates. A. Yes, that has been done.

Q. By participation in some way? A. Well, I do not think they have done that — I don't know whether they have done that by the means of the Republicans voting the Independent or minority ticket at the election, at the primary election; but you must remember, gentlemen, that at the primary election the Reformers or Independents are never as active. They don't preserve their party column as they do at the general election. If they would come out at the primary election as they do at the general election they would preserve their party column. They do not preserve their party column at the primary election, but they do come out in strong numbers at the general election to vote their party column. I also believe that if party columns were abolished — the party organization were abolished — the uniform system would probably be a good system of direct nomination; but I can't see any real value in it now as long as we have party principles, and party organization, and a party column, and the

party organization for the government of our country, and the representative form of government.

Q. What do you say as to whether parties are desirable? A. I believe in parties.

Q. Do I understand you to say that you believe really in government by parties? A. By parties.

Q. As responsible agents of the people? A. I believe they are the best expression of the will of the people.

Judge KNAPP: I have nothing further to ask Mr. Shern and express the thanks of the Committee.

By Assemblyman HOWARD:

Q. Would the increase of the number of petitioners to place a man on the primary ballot have a tendency to decrease the possibilities of a Republican or Democrat being placed upon the primary ballot for another party? A. If the number of petitioners were increased I think it would have a very great effect in decreasing the possibility of having that man's name placed on an Independent ticket. For instance, I think that if a city has two men to be nominated on either party's column at a city municipal election he should have at least 2,500 signers.

Q. He now has to have fifty? A. Now has fifty, and a ward — I should say 100.

Q. Under your present system here it is possible for a man to get his name on the primary ballot without any strength at all, without any show of strength at all? A. Yes, because it is very simple to have fifty men, even if you are a Reformer or an Independent — have fifty Republicans on personal solicitation sign your petition, and vice versa, to have fifty Democrats or Independents, or whatever party affiliation that you have, to sign your ticket, just as you get petitions signed on personal requests.

Q. Have you been in a position as a member of the Legislature to witness the effect of this law in rural districts? A. No, I have not. I may say, however, that I should think it would be a good thing in rural districts, because you cannot lose sight of the fact that in the larger cities the party organizations are controlled a great deal by the men who fill the offices and who take the real active participation in politics to-day. While, if I understand

correctly, in the country districts most everybody has an interest in their elections there.

By Judge KNAPP:

Q. Your answer is based on that assumption that most everybody will take a part in it.

By Assemblyman HOWARD:

Q. If it were to the contrary? A. I do not know, in the country districts; but I am told and from my observation — not from my observation but from my conversation with members of the Legislature in surrounding — in the country districts of Pennsylvania, that a judge would have 4,000 — a Democratic judge would have 4,000 majority, and they, as members of the Republican party, would have 3,000 majority, showing that the people cut their tickets at a general election.

Q. That is true of a general election? A. Yes.

Q. Probably more than it is in a city? A. I may say, however, that I am not in a position to answer your question in regard to the rural districts — I really don't know.

By Judge KNAPP:

Q. Take a so-called rural district in which there is a small city or village with a considerable number of inhabitants, outnumbering, perhaps, the residents of the rural portion of it, what show would the man in the country have against the man in the city who seeks the nomination? A. Well, I can only answer that in this respect, Judge Knapp: I know of one large country district in Pennsylvania where there is never any opposition to the request of the leader of that county, who has been supreme for the last twenty years in his ability to carry that district against everybody in his country district, and it includes a very large city, the city of Lancaster, right up here, some miles up. On that theory I think it would be useless in a district like that. It has been said of that man that if the dominant leader of the State, with sixty-seven — had sixty-seven men presiding over the State as he presides over his county — we would only

have sixty-seven men to deal with in the whole large State of Pennsylvania. That is the position he holds in his county. That is Luzerne.

Q. He still does business at the old stand, notwithstanding the uniform primaries? A. Oh, he is absolutely supreme — he is the present Representative of his district in Congress.

By Assemblyman HOWARD:

Q. You were in the Legislature before this system was adopted and since? A. Yes.

Q. Has the standard of the representatives — A. Yes, sir; I had no opposition in my district under the uniform primary system on the Republican ticket.

Q. Has the standard of the personnel of the representatives of the State in the Legislature been changed for the better or worse under the new system? A. Neither. In the preceding sessions we had just as able, if not abler, members than we had in the subsequent sessions.

By Assemblyman CONKLIN:

Q. Suppose a representative in the Legislature should refuse to heed the request of his party leader in the district by which he was nominated — should vote conscientiously, as he believed, to be right and proper, but contrary to the wishes or direction or request of the leader of his local organization — would he, under this direct nominations system, have a better opportunity in the event of his party leader opposing him at the next election when he sought a renomination — would he have a better opportunity under this direct nomination system to secure it, the nomination, against the opposition of that party leader than he would under the old delegate and convention system? A. Well, that all depends upon whether he would be able to build up an organization and get out the vote.

Q. Would it be easier for him to reach the people by the direct system than by the nomination by convention and delegate system? A. Yes, I think it would be easier for him to reach, under the direct primary system, although he would have the same opportunity to set up his friends in the respective offices and vote

for his delegates; but my experience has been that there is no such amount of corruption in conventions as has been agitated by the press of the State and nation.

Q. But he could not be — A. As I said before, for instance, if he has a district with fifty precincts or seventy-five precincts, he could set up his organization in everyone of those precincts and could select his delegate, and then he could get his delegate — announce to them that his delegate is such and such — and then they would go into the convention, under the delegate system, and if he had a majority of the delegates in those precincts he was nominated.

Q. But he would not find it quite as easy to erect an organization if bidding for nomination under the delegate system as he would if he might appeal himself directly to the voters? A. No; I think your contention is correct.

Q. He could not be eliminated quite as easily if he were a man of force and ability? A. No; and I do not think he could be eliminated under the delegate system. He would have to get a majority of the votes of his district, a majority of the electors in his district under the direct system, and he would have to organize all the precincts under the delegate system and he would have to have an organization in his divisions to get the vote out, to get the people to come out.

Q. Under the convention system, as a matter of fact, could not the machine roll over him and eliminate him in a large city much more easily, under the convention system, than it could under the direct system, where he has not a press to appeal to the people — would he not find it easier to make his position known and get out and make his campaign from the street corners, where he did not have the means of forming local organizations for securing delegates? A. Yes, if that theory were worked out in practice, I agree with you, because uniform direct primaries — but I have not observed it in Philadelphia.

Q. You never noticed any such case? A. No. That might apply and probably would apply in a country or rural district. I can't see any vice in the uniform primary system if it were not for the great expense it incurs.

By Assemblyman SCOTT:

Q. Is your experience, and opinion, that it is the organization that counts under both systems? A. Beg pardon?

Q. Is it your experience that the organization counts under both systems? A. Unquestionably; there is absolutely no doubt about that. If you have not an organization behind you I do not know what you would amount to in politics.

By Judge KNAPP:

Q. You mean to be understood by that that it is practically impossible for a man who has no — some — organization to be nominated, unquestionably.

By Assemblyman PHILLIPS:

Q. So that the direct nomination system has not so curtailed the power of the so-called political boss? A. Absolutely not. Either in the reform system or the regular organization of the Republican party or the Democratic party the same bosses remain intact. There can be no use of fooling the people. I know and most everybody knows who knows practical politics that every organization must have a leader; and while that leader may not shine out on the surface and may not be chairman of the organization, yet behind he is pulling the wires and he dictates who shall be nominated and who shall do this and who shall do that.

Q. Yet, while the people are practically getting the same result under the direct nomination system, don't you think they are better satisfied with the thought that they have taken part in it and brought about that result, which they have done under the direct nomination system, which they could not have done under the convention system, and to that extent the people are better satisfied? A. Yes, unquestionably. And if you look on it on that ground, then it is a good thing. If they don't complain of the unlimited expense it incurs, I can see no objection to the uniform primary system, and I would accordingly vote for the uniform primary system and would be against its repeal, as a member of the Legislature to-day, on the theory that the people are satisfied with what they got.

Q. Although getting the same results? A. Getting the same results.

By Judge KNAPP:

Q. Your opinion is that they did not get what they thought they did, is that the idea? A. That is it; yes. As long as they don't object to the expense that is incurred on account of the present uniform primary system.

By Assemblyman HOWARD:

Q. Does not the representative himself, the average representative of the people, feel a little more responsible to the people directly under this system than he did under the old? A. There is absolutely no doubt about that. If the man has the force and the power back of him to gather an organization to him, under the direct system, he has a better opportunity of being nominated than he would under the old delegate system.

Q. What I mean to get at is this, Mr. Sherr: That in the case of an official, for instance, your Representatives and Senators, who are nominated by direct nomination plan, do they feel any greater or any less responsibility to the people themselves than they did under the old system? A. I think they feel a greater responsibility to the people themselves under the present system than they did under the old system. I want to make it plain to the gentlemen representing the press that I am in favor of a uniform primary system, with the exception of the great expense it incurs. As long as the people are satisfied with the payment of that expense, I can see no reason why it should be repealed in Pennsylvania.

By Judge KNAPP:

Q. I don't quite understand your position. Are you in favor of it because of the results it has accomplished, or in favor of it simply because the people want it? A. Because the people want it.

Q. Not because of the results that it has accomplished? A. I have not seen any great results that it has accomplished.

By Assemblyman HOWARD:

Q. Are you in favor, Mr. Sherr — do you believe it would be wise to extend that to State offices? A. You mean the uniform primary?

Q. Yes; direct nomination. A. Yes, I believe in direct nominations for Governor, for United States Senator and all other offices.

By Assemblyman PHILLIPS:

Q. Do you believe in initiative and referendum? A. Yes; unquestionably.

Q. And the recall? A. I believe that, from what I have observed in my travels in the West, there should be some system of divorcing legislation from the country and the city. In the State of Washington, under the present law, an act was passed in the Legislature prohibiting the smoking of cigarettes, prohibiting having cigarette paper in your possession and making it a crime, with imprisonment if a fine is not found sufficient. I believe that the country members of the Legislature dominate the cities to a great degree, and there can be no question of that, as you — you have passed an act in New York that opens the door considerably to blackmail, and it was done by country legislators.

By Judge KNAPP:

Q. What act was that? A. You passed an act at the behest of the country legislators making adultery a criminal offense, and there is no doubt but that would be the means in New York of making a considerable number of detectives in New York blackmailers.

By Assemblyman SCOTT:

Q. Mr. Shern, let me ask you one question. Do you know how many prosecutions there have been in that State under that law? A. Well, it has only been in existence for how long?

Q. Since 1906. Here is the author of it right here (indicating Mr. Phillips). (Laughter.) A. Well, that came by country legislation. (Laughter.)

By Assemblyman PHILLIPS:

Q. You have such a statute in the State of Pennsylvania, have you not? A. Yes, and always have had. (Laughter.)

Q. And you know that every State in the Union has such a statute? A. Yes.

Q. With the exception, I think, now of three? A. Yes.

By Judge KNAPP:

Q. Are we not going far afield when we get into this subject? (Laughter.)

Assemblyman SCOTT: Possibly.

By Assemblyman HOWARD:

Q. Will the initiative and referendum divorce the country and city in the way of legislation? A. Well, under our present Constitution I do not see how you could have separate legislation for cities of the first class and second class as against the country.

Q. If you had the initiative and referendum it would simply permit the people to vote on such laws as the Legislature might see fit to pass? A. Yes; that would be a general law under our system of government, under our Constitution. In other words, we cannot divorce — you can't have special legislation for the cities. The same legislation must be uniform under our Constitution.

By Assemblyman CONKLIN:

Q. Do you not believe in a representative form of government, as distinguished from pure direct democratic form? A. I do not quite understand.

Q. Do you not believe in the representative form of government as distinguished from the pure democracy? The initiative and referendum, as I understand it, is a pure democratic form of government. Do you not believe that the representative system — A. I believe — the people —

Q. The people should delegate their legislative making powers? A. I believe in some cases that we should have the initiative and referendum.

By Judge KNAPP:

Q. Do you believe in this because it will accomplish any particular good for the community, or simply because the community

seems to demand some of those things? A. Because the community seems to demand it, especially in the cities.

Q. Does the community always demand the best things for itself? Is not that ordinarily really to the contrary? A. Well, you must agree that the majority must rule; and if there is a proposition put up to the legislative law-making body and a certain percentage of the people demand that to be voted on, under the referendum system, I think they should have a right to vote on a proposition of that character. For instance, suppose the city of Philadelphia, through its great majority of citizens, wanted the privilege of certain hours of the day, like they do in London, of dispensing liquor, say, for instance, after church hours, after 1 o'clock in the afternoon, and the bill were introduced in the Pennsylvania Legislature, it would never see the light of day. I suppose that if there were a certain number of people who wanted an initiative and referendum vote, and that came before the people of Philadelphia to be voted on for the city of Philadelphia or Pennsylvania, I say what might apply to the cities does not apply to the country districts.

By Assemblyman HOWARD:

Q. Don't you believe, as a legislator of quite a little experience, that if the initiative and referendum were adopted that practically all the responsibility now felt by a legislator would be removed, and that any sort of fool bill that is introduced, as they are every year, would be let get away, "if the people want it, let them have it; we will let them vote on it?" A. There is a good deal in that; but I do not think it would be carried to that extreme. I do not think that every measure would meet that same result that you theorize on. I think it would only be very important measures that the referendum and initiative vote would be demanded on.

Q. You would leave it for the people to demand that, not make it general on all legislation? A. No, no. And I would believe in a certain number of petitions, say five per cent., say three per cent. of the voting population, or four per cent. of the voting population. In other words, we poll 250,000 votes in Pennsylvania — in Philadelphia — and they wanted a special refer-

endum on a certain measure, I would say they should have to secure fifteen to twenty thousand signatures.

Q. That would very much curtail the general theory of an initiative and referendum? A. That is all I would agree to, and I don't mean any general referendum, not by any means. You may as well do away with the republican form of government.

By Assemblyman SCOTT:

Q. Suppose from time to time you submit constitutional amendments in the State of Pennsylvania to the voters? A. Yes, we have several to-day submitted now.

Q. What proportion of the electors that vote for officers — for an election — vote on these propositions — amendments to — constitutional amendments, do you know? A. No, I can't answer that.

Q. You never examined the records of the vote on constitutional questions for the purpose of determining? A. No.

Q. Don't know what the situation is in your State? In our State a very small proportion vote on constitutional amendments. A. Well, I would not say, but that would apply to most every State. I had a talk with a member of the bar of Indiana, a former judge, and he told me you don't have to be learned in the law to be admitted to practice law in the State of Indiana, and that the Bar Association have been trying for a long time to secure an amendment to the Constitution prohibiting that and making special rules and regulations for admission to the bar, and they have never been able to pass it.

By Judge KNAPP:

Q. Is that a case where the people are right or wrong? A. That is a case where the people are absolutely wrong. (Laughter.) There is no doubt about that.

Chairman MEADE: If there is nothing further we will excuse Mr. Shern. We are very much obliged.

Mr. SHERN: Very welcome.

TALCOTT WILLIAMS:

By Judge KNAPP:

Q. Mr. Williams, you are a resident of the city of Philadelphia, are you? A. Yes.

Q. How long have you been such resident? A. Twenty-seven years.

Q. Have you been in any way officially interested in politics? A. I am interested in the division in which I live.

Q. I mean as an office holder. A. I have not been an office holder. I am only interested as a journalist who is studying public affairs — from the standpoint of the journalist.

Q. That is your profession? A. That is my profession.

Q. Journalism. With what political party do you affiliate, if any? A. The Republican party in national affairs, and various reform movements in the last twenty-five years in the city on local affairs.

Q. Have you observed the working of the uniform primary in this State since it went into effect, the first of January, 1907?

A. I have followed closely in two ways. In the first place, as a journalist, observing what was in progress; in the next place in the election division where I live; a single division; twelve years in the city bringing me closely home as to the working out of the uniform primary.

Q. What particular evils that were existing at the time of the passage of this act was it supposed that this law would correct? I mean, what was the agitation at that time for the correction of which this law was enacted? A. There were two evils urged in the agitation which preceded the adoption and enactment of this bill. One was the supremacy of the Republican organization over the nomination of candidates in the city of Philadelphia and over the government of the city. The second was alleged to be very extensive frauds in the primaries of all three of the parties — of the Democratic party and the Republican party. It was very widely claimed that there was impersonation; that men who did not belong to the various parties voted at the primaries of the party's primaries, and that the members themselves registered the will of those in charge of the Republican organization in that party and of the Democratic organization in that party.

Q. What is your observation as to whether the operation of

this law in this State — I will confine my question to municipal affairs — has resulted in the correction of the evil which you mention, or evils, to any degree, during the two years and a half that the law has been in operation? A. The first primary which took place under the law took place in January, 1907. There have been since then two primaries each year — 1907, 1908 and two primaries in 1909 — making six in all. So far as the second of the evils that I have mentioned — fraud and corruption at the primary elections themselves — that has been virtually — that has undoubtedly been greatly reduced.

Q. Right upon that question, is it not claimed now in the present agitation before the court on an appeal from the decision of the County Commissioners that extensive frauds have been committed in the last primary? A. That is a claim that is made. Whether it is — I have no doubt that it is supported by evidence or it would not be made. But taking the six primary elections during the three years, I do not think that any one would say there has been the same amount of fraud as there has been previously, so far as fraud goes with reference to the casting of the vote. When we get to the second point, as to whether the votes cast were cast by men who belong to the parties to which they pretended to belong, that opens an entirely new form of fraud, which could not exist under the previous system.

Q. And what is that form; just give it? A. The form consists — rests upon the circumstance — you take the uniform primary act up seriatim — the uniform primary act assumes that there will be in every division of the city a vigilant, active organization for each of the parties which is seeking nominations at that primary election, unless a party is represented by a vigilant organization in its division. Under the present act it is impossible to prevent the voting of those who do not belong to a particular party — from voting on that party. This is the more easy because under the election law of this State, as has been brought out, unlike the election law of New York State, the watcher, the party watcher, at a primary or election is limited to voters qualified in the division, and where in any city, as in this city, there are a large number of division in which the vote is substantially unanimous for one particular party, it is impossible to have an adequate

watch at the polls, because any party is limited to the voters in that division in order to secure watchfulness over its interests in that division.

Q. Just returning to this question of fraud, for a moment, at the ballot boxes. As I understand the situation, the allegation is made by representatives of the so-called reform party — the William Penn party — that frauds have been committed in at least 380 of the 1,100 districts of this city during the last primary. Is not that about the substance of the matter? A. Three hundred and eighty out of 1,180 districts.

Q. So that, under the system of uniform primaries and direct nominations, if this allegation was founded on competent evidence, it is not an absolute preventative of fraud? A. It is not an absolute preventative of fraud.

Q. I do not know that any system could be made perfect? A. The uniform primary system presupposes, just as an election presupposes, an alert watchfulness on the part of the minority party in any division in order to prevent fraud.

Q. You spoke also of the domination of some particular party. Has the uniform primary act destroyed the control of the leadership of the dominant party to any appreciable extent? A. It has not altered the control; it has not either altered it, destroyed it or perceptibly changed it, but it has brought about an increased responsibility.

Q. On the part of the managers of the party? A. On the part of the managers of the party. There remains at any primary election always the possibility of action by the general body of voters on a scale which has never before been possible. It has been found during the three years during which this primary act has been in existence in this State that there is in progress a steady increasing education of voters in regard to the necessity of party organization. The reform party in this city finds itself facing the necessity of a close division organization over the entire city which it never faced before. The uniform primary act does not leave it open to a party to nominate through the uniform primary act or through a convention which requires every party which has polled a certain vote at an election to use the uniform primary and only the uniform primary in making its nominations.

Q. Except for State officers? A. Except — I am speaking of local matters — in this matter of State officers.

Q. And delegates at large for the national convention? A. As I have said, we were speaking of municipal elections.

Q. What I want to get at is just this, in another way: Prior to the adoption of this system, when a political party nominated notoriously bad candidates, if they did so, was there not an opportunity on the part of the people to rise in their might and defeat such candidates as might be presented by the dominant party? Has that not been done prior to the adoption of this system? A. It was done in the past, but it has not been done very often; but it has been done during the last twenty-five years.

Q. Possibly there may have been no occasion for it under the present system; but there has been no such upheaval, as I understand it, since the present system went into vogue? A. There was precisely such an upheaval, a very remarkable one, in the April primaries.

Q. That is in the April primaries; but I mean in the elections? A. Not that I know of in the elections. The primary act was passed immediately after the reform movement and the reform fight diminished under the uniform primary act at the primaries and in the election until the April primary, when there was the sudden use of uniform primary by a great body of voters, without previous organization, in a fashion which has previously not affected the political opinion and political action in this city. In other words, in April the uniform primary act did exactly what it was predicted it would do three years ago — it would give the opportunity for appealing among voters — to the opinion of the voters — to make conditions felt without any previous organization.

By Chairman MEADE:

Q. Prior to the enactment of the present uniform primary law there was no State law to regulate the conduct of party organizations, was there? A. There was a State law applying the ordinary election law to the conduct of the political organizations. Every primary in the State for a number of years — the primary of any party in the State for a number of years — was subject to

the general election law. The primary was required to be held in the place where the election was held and the conduct of the election was subject to the same laws. Fraud, impersonation or corruption at election was punishable by the same penalties.

By Judge KNAPP:

Q. What is the data you have brought with you? A. Simply — I have nothing but what you already have — the returns of primaries for the times —

By Mr. HOWARD:

Q. Mr. Williams, you say that the form of fraud of impersonation of voters by other individuals has been corrected, under this present system, to a large extent. Now, which portion of that law is that correction due to — the uniform primary by which registration is required, identification of the voter, and so on, or the portion referring directly to direct nominations?

By Judge KNAPP:

Q. You mean the registration and the uniform primaries act?

Mr. HOWARD: Well, the uniform primary and the direct nomination are combined in this.

Judge KNAPP: Well, it is called a uniform primaries act — there is a registration?

The WITNESS: There is a registration.

Judge KNAPP: Which is it, the personal registration or the uniform primary act?

The WITNESS: The three last have worked — the election law, the uniform primaries and the registration act — have all worked together to induce a greater regularity in the conduct of party primaries.

By Mr. HOWARD:

Q. Then a registration law and the law compelling a uniform primary, at which primary delegates would be elected to a convention, so that the convention system would be continued, except that you hold your primaries all at the same time with your official ballot, as you do now, would that alone have a tendency to correct,

together with the registration act, that evil which existed before, of false representation? A. It would undoubtedly have this effect — public action might not be as direct and immediate as it is under the direct primary act when public feeling is stirred. When public feeling is not stirred the uniform primary act merely adds to the force of the organizations over the city itself. When public feeling is stirred the uniform primary act has given the opportunity for public feeling to make itself felt directly without any previous organization.

By Assemblyman SCOTT:

Q. I assume that you have also watched the general tendency in State politics, in the last few years, as to the candidates elected, etc.; that is, your observation, of course, has not been — A. Yes, I am interested in that, also.

Q. What do you think of the personnel of the candidates for State offices in this State during the last ten years? Has their character, standing and ability increased or decreased? A. I do not think there has been any very great change.

Q. What do you think of municipal officers? A. Of the municipal officers for the last ten years or since the uniform primary?

Q. Since the uniform primary. A. Oh, I think there has been — I don't say that there has been any change. The same forces which succeeded in securing the election before have succeeded in securing the election since.

Q. The operation of the convention plan — is it not true that since the adoption of uniform primaries there has been no change?

A. There has been no change in the general working.

By Judge KNAPP:

Q. Are you aware that the city of Boston has adopted a new charter, abolishing the direct primary and direct nominations?

A. Yes, I know; I knew that had been done.

Q. I wanted to ask you this — A. If you want my opinion on the matter as an observer of public affairs, I do not think that there is any question that the uniform primary act, after three years of operation in this State, is less generally desired than it was when it was first passed. Of that I think there is no ques-

tion. My own opinion is that there is a tendency to undervalue the length of time which will be required in order to educate any body of voters in their rights and actions under the uniform primary act.

Q. Is there any present agitation looking toward an amendment of this law at the coming Legislature? A. Yes; very decided demand.

Q. I understand that a commission has been appointed to codify the laws of the State? A. Including the primary law and including the entire system.

Q. A constitutional amendment is to be submitted looking toward the doing away with the spring election? A. Reducing the number of elections. One of the difficulties which the uniform primaries act has to work against in this State is that there are two elections, two uniform primaries — I do not know whether — is it two registration days? That, of course, you have heard about all the way through.

Q. In other respects, as I understand it, there is an agitation for amendment of the law at the coming session of the Legislature, and various suggestions made by different people of amendments? A. There have been suggestions, and the evil of the nominations of a small minority party being secured by the use of the votes belonging to the organization, the majority party, has led to a constant demand for the protection of the small party against the capture of its nominations.

Q. Is there any particular agitation, at the present time, for the extension of the system to the State officers, Governor and Council? A. The suggestion has been made, but I can't say that there is any —

Q. But it has no large number of advocates? A. No large body — no large body of public sentiment.

Q. The results by the delegate and convention system have been ordinarily satisfactory? A. They have been satisfactory to the man who has secured the nomination and election. I do not know how wide the situation has been in his case. (Laughter.)

Chairman MEADE: Thank you very much, Mr. Williams.

Judge KNAPP: I have the promise of Mr. Donnelly, also; he has not come yet.

Chairman MEADE: Well, he is not here.

Judge KNAPP: And of Mr. Murphy, and he has not come; and of Mr. John Monagan.

Chairman MEADE: We will adjourn to to-morrow at 1 o'clock at Harrisburg.

SIXTH SESSION—July 28, 1909.

HARRISBURG, Wednesday, July 28, 1909.

H. F. Oves:

I suppose I have been sent for on account of what I might be able to say from the position I held in politics in Harrisburg, being the Republican city chairman. I do not know what will be the scope of your inquiries. I suppose as to the uniform primaries and the direct nomination.

Senator MEADE: Particularly the direct primaries.

By Judge KNAPP:

Q. You are the chairman of the Republican city committee in Harrisburg; and in that capacity, of course, have been familiar with political conditions in the city and the county here? A. More familiar with the city conditions than the county.

Q. What county is this? A. Dauphin county.

Q. Now from your viewpoint and as a private citizen, what can you say has been the defect, if any, in the working of the direct nomination system since 1906 in this locality? A. Well, it is somewhat of an improvement over the delegate system. But there are some weak points in our primary act that if they could be remedied, the system, I guess, would be ideal. I should say the system would be an ideal one if you could frame an ideal act. The main weak point in our primary act is that it does not prevent the voters of one party assisting at the nomination of candidates of another party. It is true that he can be challenged and required then to make an affidavit; but there are a great number of voters in Harrisburg, and I guess in every city, that can

be induced to make an affidavit to anything; and I have known instances in Harrisburg where candidates of our party have been nominated by the assistance of voters of the other party, thereby preventing the wishes, you might say, of the particular party of which that man was a candidate.

Q. Do you regard that as a weak feature of the law? A. That is the weak feature of our law, yes; and I do not know how that could be remedied unless every voter, when he registers, will be compelled to declare his party affiliation, and there might be some objections to that. As a party chairman, I would like very much, if we are to retain this primary act, that that should be done, for this reason: The voters who then would register, the great majority of them, would be the kind that can be easily induced to vote in any way you want them to.

Q. That the organization wants them to, you mean? A. Yes; because I believe the better classes of citizens would object to declaring their party affiliations, or, at least, have it put in writing.

Q. Does the operation of this system tend in any respect to destroy the organization that is dominant? A. No, sir; on the contrary, the party with the money — and that is usually the dominant party, I guess (laughter) — can in many cases control the primaries. But I will qualify that by saying it is not so easy as under the delegate system.

Q. But since the operation of the statute here has the working of the law ever succeeded in defeating the organization candidate, for instance, of the dominant party? What has been the result, so far as the multiplicity of candidates is concerned? A. No, sir, I think not. Oh, yes, indeed, at every election we have been able to reduce the number somewhat.

Q. Who pays the expenses of the campaign — the party organization or the individuals in these contests? A. Both. The party organization is required to spend more money under our primary act than under the delegate system; and the individual, also.

Q. Has to pay more money? A. Yes. It costs him a good deal more, too.

Q. The county is reimbursed by the State, as we understand it? A. In full? I don't know. Is it in full?

Q. Yes, before the Auditor-General. A. Well, it costs the State more, then.

Q. Do you regard that as a bad feature of the law or otherwise — that it causes the expenditure by the organization of a larger amount of money and by the individuals in securing the nomination? A. Well, if the other way would conduce to a better grade of candidates and express the wishes of the people more nearly, why I don't think the expense cuts any figure.

Q. Well, have you secured any better candidates since this system came into vogue than before? A. Well, the truth of the matter is, in Harrisburg, since the operation of this primary act, the organization candidates have always been nominated.

Q. And they were before? A. As they were before, with more difficulty and more expense.

Q. So that the morale of the candidates has not been improved thereby, as I understand you, to-day? A. No, I guess not.

Q. Well, has it in any case resulted in the nomination of unfit parties that were self-seekers with plenty of money? A. I know of one case, yes, sir, of late, who was nominated not by the majority of the Republicans, but by the Republicans and a great many Democrats. I, of course, don't propose to mention any names.

O. No. A. Allow me to interrupt you, gentlemen, to introduce to you Mr. Loeser, a friend of mine, and maybe he can give you more information than I can.

O. One of the abuses, we understand, that this law is intended to correct was the destruction of the power of the leaders, or so-called bosses. Has it resulted in any such condition as that here, to your knowledge? A. No. I tell you ever since the passage of this act, in Harrisburg anyhow, the organization candidate for every office has been nominated, but with more difficulty and expense. So I cannot see that it has lessened the power of the bosses.

By Senator MEADE:

O. Results have not been changed? A. Results have not been changed; no.

By Assemblyman CONKLIN:

Q. Have more people participated — larger number of people — participated at the primaries than before? A. No, sir; for this reason: Because at the time this act was passed there were a number of other acts passed, also, that made it a great deal more difficult for a man to exercise his full franchise, and in that way kept a number of the people away from the primaries.

By Judge KNAPP:

Q. You refer to the registration feature, at the same time? A. Well, yes. And he must make five distinct trips, as you might call it, before he is fully qualified to vote; he must see that he is assessed, he must pay his taxes and he must register and vote at the primaries, and then, finally, vote at the general election. Our laws here make it more difficult now for a man to vote — and I don't think that is just the proper way it ought to be done.

Q. Have you made any observation as to the effect in the county — as to county officers — in this same respect, as to the organization still controlling a county? A. They do, yes, sir; but it was optional with our townships and boroughs to take up this act, and it is only at the last election that they did, as a whole.

By Mr. PHILLIPS:

Q. Is it optional with the county? A. No; I am thinking of another act. The uniform primaries act is general; that's right.

Judge KNAPP: Strike out what he said about optional.

The WITNESS: Well the candidates for county officers have been nominated the same as in the city.

Q. By the organization? A. Yes, sir.

Q. And the individuals who have contested have not been so successful under this system? A. I can't recall of an instance; no, sir.

Q. So far as the minority is concerned does it have any effect upon them as to strengthening the minority or weakening it? A. Well, the majority party in most of the primaries have been using the voters of the minority party to nominate their ticket.

Q. Isn't the result of that the strengthening of the majority and the weakening of the minority, always? A. Yes, I would consider that has been the effect, yes.

By Senator MEADE:

Q. Just one or two questions, Mr. Oves. What difference — How do you think the candidate under the direct primary system compares to the other system? A. Under the delegate system, the organization (that is the nicest word to use, better than the “bosses”), the organization would select their candidates and then before the election would ask for a contribution to help defray the election expenses, which was, I believe, always less than what it has cost him since, under the new law. And he never had any difficulty in securing the nomination, of course. Under the new law he is put to the expense of the petition — that is one — or possibly in the extreme cases, two of the candidates — now we don't have so very many, they put in their petition, perhaps, and we reduce them by ways of our own to maybe two or three.

Q. They are eliminated in some way? A. Yes, sir. So as I was about to say, the candidates —

By Assemblyman PHILLIPS:

Q. Probably a survival of the fittest? A. The candidate is put to the expense of the primaries, which he didn't have before under the delegate system; and also at the general election. Of course, the organization is supposed to help him along, and, of course, they do, but there is always some expense.

By Senator MEADE:

Q. Would you say that the direct nomination system would double or treble the expense of a candidate for the nomination? A. Now, I couldn't answer that question. I never stopped to think, or figure.

By Judge KNAPP:

Q. Does he make a personal campaign, where there is a contest — the candidate make a personal campaign? A. They always do, yes.

By Mr. CONKLIN:

Q. Do you think there is any greater reluctance on the part of a really reputable man to become a candidate? A. No, I think, to be truthful, I think there is less reluctance, now, because —

Q. Notwithstanding the greater difficulty, notwithstanding the greater trouble, the candidate is put to? A. Yes, sir. As I said before, we have more candidates now than we had under the delegate system, and reputable citizens sometimes file their petitions, and sometimes stick to the finish. They all believe, I guess, that the people may change and overthrow the organization, and select them as the candidates, where, under the delegate system, they knew it was useless.

By Judge KNAPP:

Q. What is the population of Harrisburg? A. At present, I would say about 80,000.

Q. Is it coincident with the lines of the county? A. Oh, no. The city and territory is not more than one-tenth of the size of the county. The city has about half the population of the county.

Q. Do you know how the law operates in the rural districts where personal registration is not required? A. Well, personal registration has now been adopted.

Q. In the rural districts? A. Yes, this last election.

Q. Well, how does the law operate; do the men come out to the primaries, the voters in the rural districts? A. I am inclined to think that the vote has been in the late election — the vote, I guess, is nearly the same as before.

Q. I mean the votes at the primaries? A. Yes, sir.

Q. Have you observed whether county officers can be nominated from the rural districts, where there is a large town or city in the district? A. Well, we have one town in Dauphin county outside of Harrisburg, with about 20,000 population and a few smaller ones, and they have not for years, overborne the wishes of the organization. The organization, you might say, is located in Harrisburg.

Q. Would you say it is possible for a candidate from the rural district to obtain the nomination unless he is supported by the so-called organization? A. It is possible, yes, sir.

Q. That is by getting the votes from Harrisburg, you mean, unless he has the support of the organization, an independent candidate? A. Well, you know, sir, the organization cannot control all the votes in Harrisburg; of the number of votes in Harrisburg,

it has only a certain percentage, but it has always been sufficient to nominate the organization ticket. And they keep the county in good humor, by occasionally giving them an office. (Laughter.)

By Senator MEADE:

Q. Would such a result be probable; you say it is possible, but is it probable? A. Well, I say it is not impossible for an independent candidate, outside of the city, or even in the city, to be nominated, but it has not happened yet.

Judge KNAPP: What I wanted to get at as a preliminary statement is this — if an independent candidate from another part of the county sought a nomination, wouldn't it be practically impossible for him to procure it against the wishes of the so-called organization, or city voters? A. It wouldn't be very easy unless he went himself —

Q. Certainly — without the expenditure of a very large amount of money? A. That is it, exactly.

Q. To make a personal campaign? A. That is it exactly. We have a pretty good organization in Dauphin county.

Q. Do you, then, have as an organization what is called the rotation system? A. The rotation of offices?

Q. Elect officers from different parts of the country in order to keep them in good humor? A. That has always been observed, yes.

Q. And that is observed still under this system? A. Yes.

By Assemblyman HOWARD:

Q. Just one question. What do you consider as to the provisions of your present primary law, relative to the number of signers that is required to be placed upon the primary ballot; is it large enough, or is it your judgment it should be larger? A. I think it is large enough. I do not think there should be anything — as a private citizen, I do not think there should be anything thrown in the way of — I think everything should be made as easy as possible, not only to vote, but to get out a large number of candidates of as good a quality as possible, and the less signers you have, the less work you must do to get on the ticket.

Q. Well, do you think the face of a primary ballot should be

encumbered with names of candidates unless they can show, first, some material strength in the field in which they are to be candidates. In other words, it has happened, has it not, that men have been placed on primary ballots as a joke by their friends; so small a number of signers is required it could be taken as a joke? A. That has happened, yes. I will tell you one — it might be advisable, perhaps, if a man had to show some qualification, or some reasons to be on the ticket, for the reason that I know of a number of instances, where undesirable men have easily secured the required number of signers on a petition for office, solely for the purpose of being induced to retire. (Laughter.)

By Assemblyman CONKLIN:

Q. Just one question. Can you recall any instance in which the candidate who was not the organization candidate and who came from the rural districts; that is, some part of the county without the city — can you recall any instance in which any such candidate received any considerable vote in the city? A. Yes; several times, several times an independent candidate — that is an independent Republican candidate, I am speaking of now — received a very considerable vote.

Q. Where he received a considerable support in the city as a county candidate, I mean? A. No, I can't recall that there was any candidate from the rural district, running for a county office that received a very large vote.

By Senator MEADE:

Q. For the nomination? A. For the nomination.

By Assemblyman CONKLIN:

Q. There have been independent candidates from the rural districts? A. Several times, in Dauphin county, under the old system, the delegate system, where the candidates have been defeated for the nomination by the convention they came out on an independent ticket and won.

Q. At the general election? A. Yes, sir, at the general election.

Q. But there have been no candidates, have there, independent candidates from the rural districts for county officers.

By Senator MEADE:

Q. Under the direct primary system? A. Just now I can't recall that there has been a candidate from the rural district that opposed the organization candidate since this act was passed.

By Assemblyman CONKLIN:

Q. How large a percentage of voters participate in the primaries? A. Well, you will have to strike an average to answer the question, because it depends on the importance of the election.

By Senator MEADE:

Q. Depends on the issue, doesn't it? A. Why, there have been primaries held in Harrisburg where the total number of Democratic votes polled was less than 500.

Q. It all depends on the issue involved? A. At the last primary election that we held — nothing important — no important offices were to be voted for, the total vote of both parties, of all parties, was only about 1,500, if I remember right.

By Assemblyman HOWARD:

Q. What's that? A. The total number of votes at the last primaries wasn't over 1,500, was it?

Mr. LOESER: In the city. I don't recollect.

By Assemblyman CONKLIN:

Q. In all parties, about 1,500? A. Yes.

Q. And what is the total vote on election day?

Mr. LOESER: It was more than that.

The WITNESS: Last mayor's day we had 12,000, I think.

Senator MEADE: That is all.

By Assemblyman PHILLIPS:

Q. From your observation would you say that the masses of voters of Harrisburg are better satisfied with the present system than they were with the old delegate system? A. Yes, sir, I guess they are. I guess they are; yes, sir; it is not an ideal system by any means, I don't think.

Q. Well, they are obtaining the same results. I suppose they

feel better satisfied, thinking they had some part in — A. They believe —

Q. Securing this result? A. Believing they've got a voice in the party nominations.

Senator MEADE: That is all, Mr. Oves. We thank you for the time and trouble you've taken in coming here.

WILLIAM L. LOESER:

By Judge KNAPP:

Q. You are a member of the common council of this city?

A. Yes.

Q. And affiliated with what party? A. Republican.

Q. Acting as an organization man or so-called independent?

A. I have so been accused. (Laughter.)

Q. From the organization or party standpoint, or view, what can you say as to whether the so-called uniform primaries act has been satisfactory to the organization in its workings? A. Speaking from my own knowledge, I think it has been decidedly satisfactory to the people in that it has given the individual who wishes to be a candidate independently, and being a candidate with the hope of being nominated, I would say that most decidedly.

Q. And has that been realized in any instance that you know of? A. Well, I might say in one instance of my own case when I was elected, last February, a year ago, there was no effort on the part of anybody to help me; I simply decided to be a candidate and was elected.

Q. Well, was there a contest against you? A. There was, and there was several organization men against me.

Q. And you were nominated? A. I was.

Q. By your own efforts without any organization back of you?

A. Yes, sir.

Q. And then wisely became part of the organization, or otherwise, subsequently? A. Well, I said I have been accused of being part of the organization. (Laughter.)

By Senator MEADE:

Q. Had you been a candidate before? A. No, sir.

By Judge KNAPP:

Q. You've been a member of the common council? A. Common council.

Q. As the elective officer of a district? A. Ward.

Q. How many votes in a ward? A. About 600 I think it is.

Q. Taking your experience as a criterion, would you say that the same thing might be possible, or reasonably probable in the larger division of the city for a city office? A. I think it would.

Q. Even though the so-called organization was opposed? A. Yes, sir.

Q. Is there an independent organization under that name, under the name of an independent party here? A. There is not.

Q. Is there any independent faction of the dominant party? A. There is not, no; was what might be — four years ago under the head of the so-called Lincoln Republican party; that was simply part of the Republican party; wanted to get certain reforms, but that is wiped out entirely. There is nothing of that. I've been a Republican for all of my life — I just want to say I have been a Republican for all of my life, with certain independent tendencies; there were certain things I thought ought to be done, and I did them.

Q. Not an independent with Republican tendencies? A. Oh, no, no, no; a Republican with independent tendencies.

Q. What were some of the abuses which this law, the uniform primaries act, intended to correct? Now, understand, I don't mean to couple that with the personal registration act, or any other act of legislation, but simply the direct nominations feature of the uniform primaries act? A. To place within the hands of the people themselves the right to choose who should be the standard bearer of the party as against the delegate system, which was, without a doubt, controlled more or less by particular people who wanted to control it; sometimes by purchase and other times by methods used by people who wanted to tie the vote.

Q. And do you think that evil has been corrected and overcome? A. To some extent it has, I think; that is absolutely true; no doubt about it in my mind.

Q. Do you refer to city offices alone, or to county offices? A. County as well.

Q. This system, we understand, does not extend to State offices. Are you so convinced of the good features of this act that you would extend it to the nomination of Governor, the Council, legislators, United States Senate? A. Well, it is true of Councilors in cities.

Q. I mean Governor's Council? A. Oh, Governor's Council. Oh, pardon me. I really have not given that phase of it sufficient consideration to give you a positive answer, but I do say, as I said a minute ago, that I am thoroughly satisfied that, so far as it applies to city and county offices, it is a decided improvement upon the delegate system.

Q. It is not so easy, in your judgment, for the organization to control nominations? A. I don't think it is; no, I don't think it is.

Q. And if they wish to control nominations, they must spend more money and have got to be more active? A. I think so; yes, I think so.

Q. You think it has improved the morale of the candidates? A. I do.

Q. You think you have better candidates under this system? A. I think it is improved, yes; I don't think there is any doubt about it. I mean to say — well, I think it has given — I will say this, I don't know that the men of the past have been such as to — when you say "improved the morale of the candidates," it is rather a reflection on those who were nominated under the other system. I don't know that I would throw out that impression; but I would say this: That it gives every man a better chance to be nominated — any one who wants to be nominated — than under the old system.

Q. Suppose an unworthy man wants to be nominated, as you will find to be the case somewhere in some places, with plenty of money and a good voice, it gives him the same opportunity, does it not, though he has no political organization back of him? A. No, indeed, it does not.

Q. Gives him an opportunity to go into the fight? A. Exactly so, but it does not; it simply means that if a man who is unworthy comes before the people, the people themselves have an opportunity of voting against him for his opponent; and thereby of necessity a larger number of people must be reached, and each

person who votes, of course, exercises his own personal opinion and it will be much more difficult if he was not decent, in case of having that quality than ordinarily it would be, it wouldn't give a worthy man the same opportunity of being elected as under the old system; I don't make any qualifications on that either.

Q. Then you think if a political organization wants to get an unworthy candidate when the people, if they were given an opportunity to vote, even at the personal solicitation of the candidate himself who made an active campaign, might turn him down?

A. There is not the same chance for an unworthy man under the present system as you explain, as there would be under the old one. That is my opinion, borne out by my observation and experience.

Q. What do you know about the expense to candidates making personal canvass? A. Well, if you take mine as a criterion I would say that it is mighty little. (Laughter.)

Q. Well, anything that you have observed in that line where men make personal canvass? A. I don't think there is the necessity for the expenditure of money upon the part of the man who is not affiliated with or selected by the organization to be elected as there would be under the old plan.

Q. How does he procure his nomination? A. By appealing to the people.

Q. Well, that is, generally, making an individual appeal to this voter — A. Yes.

Q. — and that one, or go to the primary? A. That is done very largely in the county elections, very largely indeed.

Q. A man goes out as a self seeker? A. Yes; goes to these persons — well, go into a town, for instance, where he will have a friend, and see that particular friend and have him — through the medium of that individual, have him secure several others, and through an endless chain of work, through people, it can be done without the same expenditure upon the part of the man who is not in favor with the particular organization; it gives a better chance to the man who is not in favor to be selected, than it does under the old system. I say that very emphatically and that is my opinion of it.

By Assemblyman CONKLIN:

Q. May I ask why the people at a general election cannot defeat an unworthy candidate? A. Why can they not?

Q. Yes. A. Why, they can if they want to; why they can if they want to.

Q. Then what in your opinion would necessitate having two elections if the people can choose a worthy candidate at the general election? A. Well, you probably — I guess you do, though — appreciate the difference between nominating a candidate and voting for a candidate to be elected. To nominate a candidate means the selection of a man to represent the particular party, or policy; it doesn't mean that he is to be the elected man; of course, that ultimately is the aim; but the selection of a man as a candidate is the man to represent a particular party or policy; and it is highly essential that the right kind of a man be selected for that particular purpose. At the election we vote for the man to fill the office. At the primary we vote for the man to be the standard bearer of a particular party or policy that he represents.

By Assemblyman SCOTT:

Q. In other words, as I understand your theory, it is important that the party should have the best kind of standard bearer? A. Exactly so.

Q. And this method in your opinion enables them to select them? A. I think so; I think it enables the people to select the man they want before the people, before the electors; they have a right to do that.

By Judge KNAPP:

Q. The feature of the law that permits members of one party voting the ticket of another, do you regard that as a good feature of the law? A. In the primaries?

Q. In the primaries? A. I think that is one of the particular cases where there ought to be some rigid legislation, for the simple reason —

Q. What remedial legislation would you suggest? A. Well something that would prevent, perhaps, or make it a penal offense for a man who had voted for men or candidates at a given election

to vote for the opposite party at the primary. That, I think, ought to be avoided.

Q. How would you convict a man? A. Well, that is a matter to be worked out.

Q. He has the constitutional right to a secret ballot, the common law right not to be questioned in any matters that might incriminate him? A. Well, yes; we have the right to question him how he votes, and yet you cannot incriminate him on the stand; that is true.

Q. Absolutely no way? A. That is true; yes.

By Assemblyman PHILLIPS:

Q. And there would be no way by which you could determine how he voted except by his own —? A. This could be done, I think — I think it would be permitted — I think that the day that he votes at the primary election, I think it would be in accordance with the constitution for him to say that he voted for a majority of the candidates of the same party at the last election.

Q. What I'm getting at is this: Suppose Mr. A. presents himself at a Republican caucus and is challenged? A. Yes.

Q. For instance by you, and you in your own mind know that that man did not vote a majority of the Republican ticket at the election before? A. Yes.

Q. And you challenge him? A. Yes.

Q. He takes his oath? A. Yes.

Q. He says that he did vote? A. Yes.

Q. Now, there is no way in the wide world that you can prove that fact, is there? A. That is true, but this number of men who would perjure themselves to vote for a favorite candidate is so very small that the necessity for remedial legislation along that line to compel a man to be honest or to prevent a man from committing perjury is hardly sufficient to be of any considerable —

By Senator MEADE:

Q. You don't agree with your Philadelphia neighbors, then? A. Well, that is my statement. (Laughter.)

Senator MEADE: We are much obliged to you.

Judge KNAPP: I wish to present at this time, the figures fur-

nished me by the chief clerk of the Auditor-General's office, giving the expense of conducting primaries of 1907 and 1908; the figures for 1909 are not available and the clerk prefers not to estimate — \$730,000.

Senator MEADE: Call your next witness.

COMMONWEALTH OF PENNSYLVANIA.

R. K. YOUNG, *Auditor-General*.

N. E. HAUSE, *Chief Clerk*.

T. A. CRICHTON, *Deputy Auditor-General*.

DEPARTMENT OF THE AUDITOR-GENERAL.

HARRISBURG.

Expense of holding primary elections for the year 1907 and 1908:

Winter of 1907	\$140,156 76
Spring of 1907	218,267 20
Winter of 1908	134,831 62
Spring of 1908	237,591 98
	<hr/>
	\$730,847 56
	<hr/> <hr/>

Figures for 1909 are not available and we prefer not to estimate.

N. E. HAUSE, *Chief Clerk*.

SAMUEL S. LEWIS.

By Judge KNAPP:

Q. Gentlemen, this is Mr. Lewis, Postmaster of York, and private secretary, I think, of Congressman O'Pheaney? A. Yes.

Q. Have you been interested as a citizen in political conditions in your locality for some years? A. Yes, sir; I have.

Q. For how many years? A. Well, I should say fourteen or fifteen years, anyhow.

Q. Have you had opportunity to observe the workings of the

Uniform Primaries Act since it went into effect on the 1st of January, 1907? A. Yes, sir.

Q. What do you say as to whether the abuses which were alleged to exist prior to this act have been corrected by the operation of the act to any extent, any appreciable degree? A. I have, personally, been unable to see what has been benefited at all.

Q. Can you give us any of the benefits of the operation of this act in your locality? A. I fail to see any benefits at all.

Q. How large is York? A. York city — we have about 45,000 people in the city; 150,000, according to the last census, in the county.

Q. And what is the county? A. York county.

Q. Now will you state, Mr. Lewis, if you please, to the Committee what defects, if any, or abuses have grown up under the law to your observation? A. Well, in the first place, I think the centers of population control the nominations. It has been our experience for years that that has been the effect, that all the nominations go to the city; this coming election the ticket is very small and the nominations on both sides, both on the Democratic ticket and Republican ticket come from the city of York, and last year, last fall's election, the ticket was quite large, I should say 75 per cent. of the nominations came from the city of York.

Q. Is York a Democratic or Republican county? A. Well, York is a Democratic county; the city is evenly divided; it is a battle; a fighting ground for either side.

Q. So that there is no party that is largely dominant there? A. No, sir; and I may say, too, that the county is rapidly becoming Republican; for years, however, it used to give anywhere from 3,000 to 4,500 Democratic majority; they have to fight now to get 1,700 or 1,800, and I have known it to go down to as low as 200.

Q. What has been the effect so far as the selection of candidates is concerned, as to whether these candidates have been a better grade of citizens or otherwise upon nominations? A. Personally, I don't think that the class of men selected for office now are as good as they were under the old system. I know of a case where there was a candidate who got before the people for votes who has been regarded as unsound, mentally off. He simply took advantage, filed his petition, no person having an interest, and his name appeared in the ballot and he received the nomination.

By Assemblyman SCOTT:

Q. What do you say, Mr. Lewis, as to the influence of the organization, so-called? A. Why, I think the so-called organization, and the leaders or bosses, so frequently called, have better control of the nomination now than they ever had.

By Senator MEADE:

Q. You have heard no wail go up from the camps of the organizations against this law? A. No, I have not.

By Assemblyman SCOTT:

Q. In your county has there been any instances where a candidate has been nominated by the Republican party and who has been opposed by the candidate who is supported by the organization — A. I don't understand your question. Will you please —

Q. I say in your county have there been any instances for county offices where an independent candidate, that is, an independent Republican candidate, has been nominated over the candidate from the same party who has the support of the organization? A. No, sir, there has not.

By Judge KNAPP:

Q. You gave me the other day, Mr. Lewis, a statement in regard to a candidate, I think it was a jury commissioner? A. Yes.

Q. Who received the plurality of the votes cast? A. Oh, no, that was for commissioner.

Q. That was for county commissioner? A. Yes, I think so.

Q. Will you state to the Committee the condition? A. I think when the campaign started originally for the nomination there were some twenty or thirty candidates for county commissioner. There was about, I think, 8,700 votes cast in two primaries, Democratic primaries, the party — the one successful candidate — we nominate two, you know — he received about 1,700 votes and the other one about the same in two primaries, about 1,500.

Q. Out of how many votes? A. Out of 8,700.

Q. So that these men were not the choice of a majority of the voters in the county, but of a plurality, apparently? A. Yes, sir, that's it; yes.

Q. Were they elected subsequently? **A.** Both of them elected, yes.

Q. I think you gave me an instance of the election or nomination of jury commissioner who was generally regarded as not a suitable man for that office, requiring particular knowledge of men? **A.** Well, of course, I don't dare to comment on the nominations made on either side, but I think under the old system that we would have nominated better class of men on both sides for jury commissioners.

Q. Has that been your experience in selecting men by committees and conventions, the selection of a better class of men?

A. Yes, sir.

Q. Than where they become self seekers? **A.** Yes, sir.

Q. What do you say as to the expenditure of money by candidates for office under this system, as to whether it is more expensive to the candidate than under the former system? **A.** Well, I would say it is a good deal more expensive. I don't see how a poor man can go into a contest for a nomination as I understand it unless he spends a great deal of money, especially for a county office — it may not be so in a city office — for a county office to make a canvass; thirty-five — or about 110 polling places, we have in our county; he would necessarily have to spend money, for instance, to travel, and he cannot make that traveling around for less than six or seven hundred dollars.

By Senator MEADE:

Q. Do you think this direct primary law induces a larger number of voters to participate in the nominations than it did under the convention system? **A.** No, sir, I don't think it does.

By Assemblyman CONKLIN:

Q. The organizations still control the nominations; you say the bosses — the leaders — are as powerful as ever? **A.** Well, unfortunately, we have been in the minority down there; the Republicans and we have never had a strong fight for nomination; but the so-called bosses or leaders can control the nomination, by simply getting in touch with the centers of population, take the city of York and then the larger towns, for instance, Hanover, Plattsburgh, Dallaston, Red Line, Wright Station and places like that;

it isn't necessary for them to bother about the township; they can control the nominations by the combinations better than they did before.

Q. Then the nominees that they tentatively agree upon are those really that are nominated at the primaries? A. That is it. That has been our experience. Of course, as I said before, we do not have very much of a contest for the nominations down there.

Q. Well, doesn't the organization then have the same power to parcel out the nominations to either city or county districts that it had before, if it can control the nominations? A. Well, I cannot speak for the other side who are in the majority, but we have down there managed to take care of our ticket pretty well, because we had no persons who were aspirants for the various offices up to within a few days before the nominations should be made. Of course, down there where delegates for State conventions were to be elected and a petition was circulated by some person in the city either in the market house for the nomination of delegates for the outlying district, the legislative district — one of our legislative districts, the fourth circles clean around the city from the east clean around to the north, and the person who made application or filed a petition for a nomination and who has his name placed in the ballot of the party in York, he simply circulated the petition around among the farmers and he controlled the delegates in that way.

Q. I understand the Republican party is the minority party down there? A. Yes.

Q. Do you find any greater reluctance on the part of reputable men to become candidates of the minority party than you did in the old days when the delegate convention system prevailed? A. Yes, I do.

Q. A greater reluctance to become a minority candidate? A. Yes, for this reason: You see the primaries are generally held, other than presidential years, in June. Well, no person wants to go through a campaign that would have to start in about March; the strain upon the candidate, both financially and personally, is just as heavy for nomination as it is for election. And you cannot get any man to take that.

Q. When he knows that he has got to meet with ultimate defeat? A. Yes, sir. Now I have known nominations to be made down

there on the election — take our present congressman who is a Republican in a so-called Democratic district, has been for the four last terms. He was nominated in the convention, knew nothing at all about it; they simply voted on him as a good man and yet everybody thought he was going to be defeated. He has represented that county four terms. Now if a man who knew him said he had got to be a candidate and to have his name out in the ballot, he would have declined to do it and you couldn't have got him to do it.

By Judge KNAPP:

Q. He has been nominated under both systems? A. Yes, under both systems.

Q. And elected under both systems in a Democratic locality? A. Yes. And another thing in a Congressional district like that — we have attached to our county, Adams county. We have 150,000 people and they have 35,000 people. Now we have an agreement by which we get four terms in Congress and they get two. Well, now, the way things stand now, Adams county will never get a representative there because we have more voters in the city of York than they have in the whole of Adams county, and they may have as honorable men for the position as the man is now from that city.

By Mr. CONKLIN:

Q. If the organization controls it, cannot the organization consent, then? A. Well, the organization, you will find, the political organization, is always in the larger cities and naturally look out for their men for the important positions.

Senator MEADE: Anything else?

Judge KNAPP: Not from Mr. Lewis.

Senator MEADE: We thank you very much, Mr. Lewis.

JOHN SHEATZ.

By Judge KNAPP:

Q. You are the State Treasurer of the State of Pennsylvania? A. Yes, sir.

Q. You live in Harrisburg? A. Temporarily, yes, while in office.

Q. Your home is where? A. Philadelphia.

Q. Mr. Sheatz, we have examined a large number of Philadelphians upon this subject, and would like to confine your examination to your observations of rural districts, rather than city conditions in Philadelphia, because we have a large amount of testimony upon that. A. Yes.

Q. What observation have you made as to the effectiveness of this to correct abuses? A. I couldn't give you any information upon the effect of this act upon the rural districts. I am a Philadelphian, vote there, and have never voted anywhere else. I was the sponsor of both bills, the Uniform Primary Act and the Personal registration.

Q. And has the Uniform Primary Act and the direct nominations feature of it tended to correct abuses in your city as you believe since its operation? A. I think it will eventually get to that condition where it will, when the people once realize the power they have, that they will correct the abuses of the city of Philadelphia.

Q. And so far as we understand it no independent organization has been successful in electing its candidates in some minor localities under the — A. You mean elect or nominate?

Q. Nominating? A. No, unless as in the case of Gibboney.

Q. Yes, we understand all about that. A. You know about that?

Q. Yes. And do you believe that that feature of the Primary Act which permits the members of one party to vote the primary ticket of another party is a desirable feature of the law? A. No, I think that is wrong; we can correct it. I have found this, though, when it came to a political candidate, that if the dominant party puts up their candidates which they want nominated and if the Independent party puts up theirs and he is a stronger man on that ticket, the Independent candidate can be nominated on their ticket but the dominant party is still on the Independent column.

Q. The result, as we have ascertained, has been to quite an extent the alleged larceny of the nominations? A. Yes.

Q. Is that a good feature of this act? A. No.

Q. That is one of the things you think ought to be corrected?
A. That ought to be corrected.

Judge KNAPP: I don't know as I want to ask Mr. Sheatz anything further. Does any other member of the committee?

Senator MEADE: All right, Mr. Sheatz, we thank you very much.

Mr. SHEATZ: Not at all.

FRED WIEST.

By Judge KNAPP:

Q. You live in York? A. Yes, sir.

Q. Your business is what? A. Attorney.

Q. What are your party affiliations? A. Democratic.

Q. Connected with the Democratic organization? A. Well, if you have an organization (laughter), as Democratic chairman. And I have held the office of district attorney.

Q. What is your observation as to the Uniform Primaries Act and the direct nominations feature of it, as to whether it has corrected any of the abuses which were alleged to have grown up under the delegate and convention system? A. I think it has fallen far short of our expectations. Of course some of the abuses are impossible now, some of the practices that have been followed under the delegate system.

Q. To what do you refer? A. Well, the gathering of delegates, perhaps, and buying of delegates, and the bribery of delegates; we don't have that in just that form.

Q. Do you have that of voters? A. I think we do. Perhaps not so much of voters as we do have of the workers.

Q. You mean that it is simply the amount of money, if there was money in use? A. In a large measure; yes, sir.

Q. It takes more money under the primary system than it does under the delegate system? A. I think it does, yes.

Q. How about the expense account? A. I think it is much larger.

Q. How about the selection of candidates for the parties? Has it resulted in the selection of a better class of candidates? A. I

can't say that it has; in some instances I think we have had worse candidates than there would have been if they were nominated by the convention, unless the parties would have been so strong that they would be utterly indifferent to what was done.

Q. Has that been your experience as a Democrat? And your observation of the Republican party also? A. I have in mind both the Democratic and Republican party.

Q. Yes.

Assemblyman PHILLIPS: All parties.

By Judge KNAPP:

Q. What do you say as to whether that is the general sentiment and experience of your own locality, the county of York, with reference to the operation of this act? A. Well, generally, I think that the people still have some hopes that things will improve under this act, but I believe among those who have taken an active part in politics they think as a general thing the act has been a failure.

Q. So far as your party is concerned has it been able as a rule to nominate its candidates, those supported by the organization, so-called? A. I think so, yes; I do not mean to say that the organization or those that we consider as the organization has nominated all the candidates, but I think the most desirable offices that the organization wish to nominate for have still been nominated by them.

Judge KNAPP: Is there anything else that the Committee wish to ask Mr. Wiest?

Senator MEADE: I do not — only this perhaps.

Q. Do you think that the primary act induces a large number of voters to take part in the primaries or not? A. I do not think it does. I find that they in our county are very indifferent unless they have some particular interest in the nomination, or have some friend they desire to place on the ticket or they wish to help some friend or they are interested in the organization.

Q. Then you think that would happen just as well under the old system as under the new? A. I think so. I find that throughout the rural districts that the people come out very poorly to the nomination elections.

Senator MEADE: We are much obliged to you, Mr. Wiest.

E. S. HUGENTUGLER.

By Judge KNAPP:

Q. What is your occupation? A. I am assistant postmaster at the present time.

Q. In York? A. Yes.

Q. How long have you been a resident of the city of York? A. About thirty years.

Q. Have you been interested in politics? A. I have.

Q. Your affiliations are what, politically? A. I have been secretary of the county committee for about nine or ten years; am not at the present time, but have been rather actively interested in politics.

Q. Will you state to the Committee what your observation has been as to the working of the Uniform Primaries Act and particularly the direct nominations feature of it? A. I think it is a dismal failure — that is speaking from the people's standpoint.

Q. So far as the organization is concerned? A. So far as the organization is concerned it is all right. (Laughter.) The organization can do just about as they want with the new primary law.

Q. Have you known particular instances where it has accomplished evil rather than good? A. Well, it has been so new in our county or in the city here, rather, that we really have had no thoughts on it that have amounted to anything although it does eliminate the better class of candidates from running for office.

Q. Why? A. For the very reason that they do not want to undergo the worry and expense that is necessitated by this act. It makes a campaign that is entirely too long, and it compels them to go around over the entire county if they want to make any showing at all, means a whole lot of expense and a whole lot of personal hard work which the people don't enter into and the better class of candidates.

Q. I take it then from your statement that you would regard it as a campaign of personality than of principle that it involves? A. It does, pure and simple, and nothing else.

Q. In which the self-seeker, he who is a self-seeker is obliged to make — A. He is the man who will win out if he wants to. Now, for instance, in our last primary election we nominated a

jury commissioner down there who received about 400 votes in the county out of the total of from 14,000 to 15,000 votes. People just won't come out and vote. The majority of the people whom the people or the majority of the voters, citizens, are opposed to this primary act; they say that it is an imposition on the part of the taxpayers and the voters; we have lots and lots of people who won't attend the elections at all. Now in the Presidential election of last year we polled at the primaries, I should judge, only about 3,000 or 4,000 votes, when we had quite a lot of candidates on the ticket; and at the general election in the city of York out of more than 12,000 votes we only succeeded on the following registration day in registering about 9,600 votes, and we ought to poll 12,000. The people are sorry about the thing you know; they feel that they are being imposed on, in the first place; they go in and they ask them what ballot they want, and they have got to express their political belief and people don't want to do that; and I know that the business men up home; that they won't attend the primary at all any more.

Q. You think the business men are reticent to let — A. They are very much so.

Q. Let the public know? A. They feel that they can't afford to go up there and antagonize one party or another although they are known as affiliated with different parties, but they just shun the idea of giving expression —

Q. Announcing the fact publicly? A. That is it.

Q. For business reasons? A. For reasons; yes.

Q. Your home is in the city of York? A. Yes, in the city of York.

Q. And it always has been there? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. From your observation then you do not think there is the same opportunity under the direct primary system of the office seeking the man than there is under the convention system? A. Positively not, no; the man must seek the office under this new law. Before we always went after the man. We would decide on the man we thought ought to get the nomination; now, when we go to this same man and ask him to sign the petition they tell you

“nothing doing”; they say they will have to spend a lot of time seeking people and going to them four or five times and they just won’t do it.

By Senator MEADE:

Q. You think it amounts to double anyway? A. It amounts to double; yes.

Q. Both as to the candidate and the party? A. More than double. A man to get the nomination, if a man wants to get into a fight for the nomination. I have known one man, a year ago it cost him \$800 for a nomination which was to pay \$500 or \$600.

By Mr. PHILLIPS:

Q. It is a pretty good system — A. A man has got to spend money.

By Assemblyman HOWARD:

Q. What do you think about this primary day being held so long before election? A. Why, it is wrong; it is absolutely wrong. I don’t see any reason for it at all.

Q. After the man is nominated? A. Well, he has to have men for four or five or six months before practically — particularly the men in the city, where the soaks and floaters are; they have got him spotted and it makes life miserable for him — he would save money by buying an automobile.

Q. What do you think as to whether or not the ability of candidates and office holders is not generally higher in a community or political subdivision where the parties are nearly even in strength? A. Well, the candidates are better although under this Uniform Primary Act I know we have nominated candidates of both parties for ward officers; I know it to be a fact that the Republican party nominated the candidate on the Democratic ticket last year at the primaries — he was only nominated by a hundred or some votes; he got more than a hundred and some Republican votes; we really nominated both candidates. I say “we”; I don’t mean exactly myself because I had nothing to do with it, but I know that the party —

By Assemblyman CONKLIN:

Q. Did you say that you were connected with the Republican or the Democratic party? A. The Republican.

Senator MEADE: We are very much obliged to you Mr. Hugentugler.

SAMUEL S. LEWIS, recalled.

By Judge KNAPP:

Q. Mr. Lewis, Mr. H. C. Niles lives in your city of York? A. Yes, sir; he was chairman of the Lincoln party there that we had three years ago in the city.

Q. What was that party? A. Well, that was originally started as an independent Republican party, and fused with the Democratic party in making their nomination.

Q. The Independent Reform organization so-called? A. Yes, sir.

Q. And at my request did you invite Mr. Niles to come here to-day? A. I did. I went to see Mr. Niles, and he said he would like very much to come up but he was attending a hearing before a referee in bankruptcy. And then I said you would like to have him express his views. He hesitated. I said "Well, do you think it has resulted in any good?" He said "Some good." I said, "How much?" He said, "Some good." That is all he would say.

Q. Did he say whether or not it had resulted in the good which had been anticipated? A. No; he said it had not resulted in the good which was expected or anticipated. He thought that the campaign was the result of placing on the statute books of this Uniform Primaries Law and personal registration.

Q. Of 1906? A. That is 1906; yes.

Q. Those two acts, as I understand it, were practically concurrent? A. Yes.

Q. Mr. Niles was the leader of that movement in the city was he? A. Yes, he was the State chairman, I think, and was the originator of the Lincoln party. (A voice: He and another gentleman.)

Judge KNAPP: Are there any gentlemen here from Lancaster?

Q. What has been your observation as to the result of this statute upon the so-called ward heelers? A. Those heelers or leeches?

Q. Those that are always seeking to obtain money from candidates for office; what have you observed with reference to them where there has been a multiplicity of candidates? A. Well, they are heartily in favor of the Uniform Primaries Law, for the reason that because particularly there is a great number of candidates for office and that they say that they can get a few dollars from each one, and in that way in the sum total receive a great deal more than they can under the old system from the fact they couldn't get anything at all until after the nominations were made.

Q. Then you say this is a case of bleeding them twice instead of once; they couldn't get anything out of these men until after the nominations under the old system? A. Yes.

Q. Under this system they can reach the candidates for nomination? A. Yes.

Q. And then the candidates for office? A. That is it exactly.

Q. Now, have you observed any particular instance of this kind? A. Yes; I recall a case where one of the ward heelers or workers said "Here is where I get in my winter's coal; that is a good big list of candidates; I will get two dollars from this one and two dollars from that one; and he totaled up about forty of them at two dollars apiece. And then he went to every candidate and said: "Well, this fight ought to be worth five dollars to this one"; and he figured out that he ought to be able to make one hundred and forty dollars out of these candidates.

Q. Well, do you know or not the practice of actually going to these candidates for the nomination and soliciting these funds for work that may be performed has been in vogue there; whether there has been any such practice? A. Yes, he did it. Because I have heard different unsuccessful candidates afterwards state "why I gave that fellow, so and so, to give him so much to do, it was in his particular precinct, only to find out that I didn't get a vote in there. And another man a candidate for the same office had given him a like amount, and he found a week afterwards that he didn't get a vote in that particular place.

Q. Have you noticed that there was any practice of that kind, of pursuing candidates for nomination before they were nominated for the purpose of getting money out of them? A. Yes, yes.

Q. From that class of workers? A. That is very common, very common, especially that is true now; it is prolonged because of the length of time of nominations than under the former plan of election. Now, I had a case down there where one of these — well, I don't know — worthless fellows — was before the court for I think non-maintenance of his wife and family, and the judge asked him where he got his money to buy his liquor; he asked him how long he had been drinking. "Why," he says, "I have been drinking for two months." He asked "Where did you get your money to buy your liquor?" He says, "I got it from the different candidates."

Adjourned to meet to-morrow morning in Pittsburg, at 10 A. M.

SEVENTH SESSION — July 29, 1909.

PITTSBURG, *Thursday, July 29, 1909.*

Senator MEADE: Have you any material to start with, Judge? All right. Proceed any time you are ready.

WILLIAM J. BRENNAN.

By Judge KNAPP:

Q. What is your residence? A. I live at No. 2327 Fifth avenue, Pittsburg.

Q. What is your occupation? A. I am an attorney-at-law.

Q. What political affiliation? A. Democratic, without qualification or adulteration. (Laughter.)

Q. And what connection with Democratic politics, or the organization, have you had in the past? A. Well, I have been chairman of the Democratic county or city committee for twenty-seven years here, with the exception of one year.

Q. Which party is supposed to be the dominant party in the city? A. The Republican party.

Q. What is the vote of the city normally in presidential years?

A. Well, the vote of the city would be about — that is, including the north side, the whole city, the greater city, be about 115,000.

Q. And the Republican majority, say in presidential years, you say nominally is about what? A. The Democratic vote was 35,000 — that is, 35,000 for Bryan; and the Republican vote was, I think, seventy-four thousand, near 75,000.

Q. That is practically 40,000 Republican? A. Practically 40,000 majority.

Q. Does that condition prevail in municipal affairs, municipal politics, also, to such an extent as in the ordinary? A. Generally. I might say an abnormal case was last year, where the Democratic vote in the city of Pittsburg was about 22,000, and the Democratic vote was 2,200 or 2,300, and was, I say, of course, an abnormal condition. But generally the Republican majority in the city of Pittsburg would be 25,000 to 30,000. More than twice as many votes as we have. Of course when their vote don't come out strong the same reasons that affect them seem to affect us, and our vote is small. In other words it seems to me Republican agitation and Republican activity inspires Democratic agitation and activity, and the results are about the same.

Q. Prior to the coming into force of the Uniform Primaries Act on the 1st of January, 1907, under what system did you nominate the candidates for office? A. Under the delegate system. The Democratic plan was that every election district in the city of Pittsburg, and there was at that time, including the greater city, about 320, they each elected a delegate to attend a Democratic convention. That was regularly called, with ample time, and at that convention candidates were presented and there nominated.

Q. And candidates for county offices at county convention? A. No, that was the city convention. You will understand the city of Pittsburg is about two-thirds of the county of Allegany; and we then have in addition to that our constitutional system — we have the municipal election in the spring, in February, and the general election in November.

Q. Yes, I understand that. Now at the same time that the Uniform Primaries Act went into effect, you had a personal registration that became effective, too, about that time? A. Yes, the same freak Legislature passed that.

Q. Why do you call it a "freak Legislature?" A. Because I take it that all of that legislation is freak legislation, those acts which either come from the west, or the antipodes — conditions different, perhaps, from what you will find in places where large business interests are involved, and persons of experience go to the Legislature and apply themselves to politics.

Q. You refer to the special session of January, 1906? A. Yes, it was an hysterical session.

Q. Since that Uniform Primaries Act went into effect what has been your observation in the city of Pittsburg as to whether the evils which it was claimed existed were corrected by that act in any degree? A. It is my observation and conviction that they were aggravated.

Q. What were some of those evils which were complained of that resulted in this legislation from your point of view here?

A. I rather think so far as the city of Pittsburg and Alleghany county are concerned, the objections were not very decided, but in the city of Philadelphia generally I think and I believe truly that the elections there were fraudulent from beginning to end — in many of the districts in Philadelphia. Under our system of organizing the elections there is a judge and two inspectors; each of the inspectors appoints a clerk. In the primaries they would nominate their candidate or candidates for judge and inspectors in the different election districts, or some of the election districts in Philadelphia, these men are said to have no existence at all, and on the morning of election why other men would go there and act for them. And that the votes, that the returns were nothing like the vote at all. That got to be a crying evil. And it was charged that forty or fifty thousand more Republican votes would be cast in the city of Philadelphia that were bought. Of course the feeling among all persons who believe in honest elections was for a remedy for that. I believe that was the objectionable part of it. Here there was not any special objection to the delegate conventions or candidates named, who were usually pretty fair men.

Q. It is urged by some so-called reformers that the election officers to be appointed substantially the same as a board of registration is appointed, should appoint its registry officers? A. Well, I rather think that would be a remedy. Of course in that you would

have the same difficulty, perhaps, that they tried, that they experienced in Kentucky with Goebel, that in getting that that they will work together — that the board will not be composed entirely of partisans of one side.

Q. Well, is it your view that unworthy men have been chosen to a large extent for election officers by this elective process of direct nominations in securing their nomination, or did the same evil exist prior to the Uniform Primaries Act? A. The condition is the same now as under the uniform primary.

Q. Has not been improved? A. Has not changed a particle in this respect. Now we have to have ten men sign a petition in order to put a man upon our ticket for, we will say, inspector of election. In some districts there are not ten Democrats in the district. In other districts it is most difficult to get any person to go around and secure ten signatures to get a man to be an election officer, because they don't want to be election officers. And as a result of that this system has made it even worse because it requires expenditure of considerable money by the chairman and the officers of the minority party which don't have any money nor officers in this county, to secure one man at the election to represent the Democratic party. And the machinery has been increased in its difficulties to secure men; in other words they are putting too much machinery around it. The election ought to be a simple system, not a complex system that requires a lawyer to understand.

Q. It is claimed in many localities that the system of direct nominations tends to increase the strength of the majority or dominant party organization, and to decrease or destroy that of the minority party organization. A. In my judgment there is not a particle part of doubt of that in the world.

Q. Is it your conviction that that is true? A. Absolutely, and for this reason: Take the case, if a man goes to the polls in the majority party — say take a county like Allegany county, where we have a large majority, and a majority of the voters goes to the polls and votes for a Republican candidate, they are in duty and honor bound to support that candidate if he be nominated. Now, then, what chance can there be in the world for the minority to get a good man to run on the minority ticket, because he is bound to be beat. You must give a man some hope, and particularly in a

minority like this; you have got to get a fit man for the place, and the Democrats in order to secure elections they have to look out to get better men than the Republican organization may do. And it is utterly impossible to ask a man to come out and be a candidate when he is sure, if he wants the Democratic nomination, he is sure of defeat because the majority of the other party has voted at the primaries and nominated a candidate; so you have eliminated that hope.

Q. If some legislation should be adopted which would enroll the members of each party with the party organization so as to prevent the participation by a member of one party in the primary of another, would that alleviate the condition to any extent in your judgment? A. I don't believe that would improve the condition but that is absolutely necessary for decency and fair treatment. If you will allow me a moment; take our case here; this act provides that a man shall only ask for a ballot at the polls of the party that he voted for at the last preceding election, and you have the fact that in the city of Pittsburg 22,000 Democrats voted the Democratic ticket, and of that number there is not a bit of doubt — for the mayor of the city of Pittsburg 12,000 — from 10,000 to 12,000 — of them went over and voted in the Republican column, notwithstanding that man got the election officers — I issued a circular to the election officers stating to them that they ought to prosecute — first, that they ought not to encourage that; and second, that the man that did that was subject to prosecution; yet they just went over.

By Senator MEADE:

Q. At the primaries, you mean? A. At the primaries — it has made breaches — just to carry it out further — this is the support the Republicans get in Republican wards and the Democrats in the Democratic places — they get both nominations. And that was the case here at the last election, when the young fellows from — the Democratic candidates were on the Republican ticket and in the same way the Republican candidates were on the Democratic ticket in places where the Republicans were in the majority. I will give you an illustration in the judiciary. The judiciary of Pennsylvania, under the old system, is as great and dignified and

conservative and wise as any judiciary in any place in the United States. But what happened out in Luzerne county? A good friend of mine, Mr. Gorman, who was, I think, on the Democratic State committee, the leader of a faction or of some people, came to the Democratic State convention, that party having authority to put him in or throw him out with a contest. He gets the Republican nomination and gets the Democratic nomination and he gets the Socialist nomination, and he applies for the Prohibition nomination. (Laughter.) Could there be anything more absurd? He beats a judge who had been on the bench for ten or twenty years — longer than that, perhaps — who was unobjectionable, except he was a little offensive in his manners, and who under the dignity that hedges round a judge could not go out and fight in the primaries, and that was the result; in this county, to illustrate — I may be a little loquacious, gentlemen, but I know you gentlemen have not got very much time, and these are illustrations that strike me. Take this county. Here is the most important police officer in the county of Allegany, the sheriff; an experienced man, a capable man, who had held many public offices, and in every single one of them had discharged his duty so far as the public were concerned with care, judgment and honesty and ability. Mr. Mackrell ran for sheriff. He was nominated or agreed upon for nomination by all the factions — all the Republican factions — of the city of Pittsburg, and a man twenty-eight years of age, who was said to be the employee of a railroad company — that perhaps a hundred men in the city of Pittsburg or the county of Allegany knew — he actually and seriously got the idea of running, and he beats him 13,000, and this inexperienced man is made the police officer of the county of Allegany.

By Senator MEADE:

Q. How do you account for his ability to do that? A. Oh, just the — it is the rule of the mob; substituting — instead of party organization or party responsibility, you have the rule of the mob.

By Judge KNAPP:

Q. It is claimed by many that that is an illustration of one of the advantages of this direct nomination system? A. Well, I

would imagine that anybody that reasons that way, it would be proper to appoint a committee on them to inquire as to their entire sanity. (Laughter.)

By Mr. PHILLIPS:

Q. Was this man a good appearing man or a good — A. No — why, it transpired that when he made his report — under our laws here he was required to give the amount of his expenditures — and his expenditures amounted to \$15,000. A very prominent and able politician in this county, one of the ablest men, perhaps, in this county — why it turned out that he had loaned him \$8,000 and that he had paid \$8,000 — he had contributed \$7,500 to the fund. In other words, all of this money that he had in it had been contributed by a politician who had not been known to have been in the matter until after the election was over.

Q. So that his sworn statement shows that he had spent \$15,000 to secure the nomination? A. Fifteen thousand dollars to secure the nomination, \$8,000 borrowed off the man — I don't say \$8,000 borrowed — I take it that he borrowed it off that same man or some of his friends. Seventy-five hundred, as I recollect it; \$7,500 was the contribution of this man to his fund.

By Senator MEADE:

Q. Then I take it in this election these were the facts: That a young man who apparently is poor and a worthy candidate had been nominated through the efforts of a politician with money and power, who kept his hand in the background? A. Exactly, exactly.

By Assemblyman CONKLIN:

Q. Was there popular opposition or antipathy toward the candidate of the regular organization who opposed him? A. Well, there was, as it showed on the returns. It did not appear except perhaps to close observers — persons who had information — one of whom I was, that there was being made a fight out in the country districts for this man, upon this theory: That a very prominent, progressive and powerful newspaper in the city of Pittsburgh had espoused the cause of this man and had sent out advertisements saying Archibald Mackrell, since he was seven years of age, had taken out of the city treasury, the county treasury and

State treasury so much money; and that this other man had been in the Philippines, and that he had got \$13 a month for a certain period. And yet you see the contrast it was — the argument that appealed to the — perhaps to the prejudices and not to the mind; only as I say, this is the most important office in the city of Pittsburgh or in the county of Allegany, the mayor, the sheriff, and yet here is the highest police officer in the county goes to a man that nobody knows.

Q. What is the salary of the sheriff? A. The salary of the sheriff here is \$7,000. Isn't that right — or eight thousand? The salary isn't very large; it is an office that has got a great deal of patronage.

By Judge KNAPP:

Q. Is this newspaper advertising expenses? A. Oh, very — I didn't have that thought in my mind, but I would imagine that newspaper advertising in the city of Pittsburgh — the county advertising — would amount to perhaps \$400,000; the city advertising, I suppose, would equal that, too.

By Senator MEADE:

Q. You mean for these election nominations like this? A. Oh, I wouldn't expect that to be very — I would say that would cost about three or four thousand dollars. I would say a large part of that is paid out for what they call dissemination of information; and that covers every kind of political sin from blackjacking a man to robbing a postoffice. (Laughter.)

By Judge KNAPP:

Q. You stated a moment ago that it in your judgment was absolutely essential that some kind of remedial legislation should be passed preventing the participation by the members of one party in the primaries of another. Now if that were done and these members were required to enroll in either the Republican or Democratic or whatever the party might be, would not that prevent the independent voting if independent voting prohibited the man from acting in a subsequent primary? A. Well, Judge, I believe you are right, but then there ought to be this arrange-

ment, I imagine, that when a man registered his name and his political status, then there ought to be a time, say a week or ten days, before the election when those who desired to change their status might go to the registry officer or somebody to be authorized so to do and make a change of that.

Q. To legalize allegiance, perhaps to either party — if he wants to vote the independent ticket — A. On the independent ticket, that when he registers his status he ought to be given a certificate and then on the day when he goes up to the polls to get his ticket and to vote at the primaries he ought to present his certificate.

Q. Now isn't that absolutely destructive of the principle of the secret ballot? A. Yes, sir.

Q. And do not men sometimes refuse to make that declaration because of business reasons? A. Yes.

Q. Men who are not actively interested in politics do not care to be perhaps identified extensively with one party or the other?

A. You are absolutely right. That is the reason why I say this is freak legislation.

Q. Your conviction from your experience then, I take it, is substantially that men ought to be left substantially free to vote for delegates, and that the delegate in convention may select a candidate who will be satisfactory to the large body of voters.

A. Represent the party who is responsible for his act; and which is more likely by reason of their experience and interest to select men that will fill the positions to the satisfaction of the public and of their party.

Q. You have given us now some of the ills and abuses that have grown up under this system according to your view; can you mention any of the good things that have resulted from it?

A. Well, Judge, I don't know any good thing. Of course, those men who believe that the selection of this candidate for sheriff was an exercise and a proof of the discrimination of the public and their ability to select candidates as they please — a lot of people think that that is the proper system of democratic government. I say it is not. My conviction is that this is party government. And every nation on earth that is an intelligent nation has party government. And, therefore, being party government

then the direction of legislation ought to be to secure party responsibility. I do not think the laws ought to be so enacted that independence ought to be suppressed. I think every effort ought to be made to allow the independent citizen to exercise his rights. But this freak legislation does not allow him to do so, because he is bound to come up to the polls and say, "I want the Republican ticket or I want the Democratic ticket," and therefore he is committed to that condition. And if he is an honorable man it will take considerable persuasion and a good many other things, perhaps, to induce him on election day not to do what he had declared a month before he was going to do.

Q. Have you seen any difficulty arise because of multiplicity of candidates under this system — the ease with which a man may be nominated for office? A. Well, that of course I think is an abomination, but that is one of the things that the other side believe is all right. Allow me to illustrate how absurdly it works out; we will take this situation — if you will allow me a minute — in which there is a bitter fight and everybody's attention is drawn to the particular candidate; we will say as in our case, fourteen or fifteen other candidates take that ticket, the other thirteen or fifteen on the ticket — but the one man, everybody is out voting for him, and hustling for him, and then the other fifteen they are selected alphabetically and not discriminatingly. Here in our case, say the Democratic case, we have had a number of instances of cases here, a number similar and it could be illustrated, our ward men are soon to be elected; ten or fifteen are sometimes candidates suggested by the organization, so in one or two instances in our case, and the other fellow's name started with "B" and our man started with "S." The "B" fellow won. People didn't know him.

Q. You mean the man that — A. The man at the head of the ticket, the people are interested in and just discriminate that and then they vote alphabetically, not discriminatingly.

Q. You think it does give them an advantage, do you? A. Oh, yes; it is worth 20 per cent. of the vote if there is a bitter fight for the head of the ticket. So it substitutes, instead of discrimination, ignorance.

Q. What do you say about the custom growing up here of the

nomination of candidates for the apparent purpose, perhaps, of being induced by some money consideration to withdraw; had any experience of that kind? A. No, we haven't had any. Of course, that is done this way; suppose there is a strong man in the local party and the organization may, of course, manage it; they have their knowledge of who are strong men and who are weak men, and they know the machinery and they would, doubtless, nominate a candidate, or may be two or three candidates, to beat this man down in his own district, because it is his personal popularity, perhaps, in that district that would lead to giving him enough votes to elect him. Take the case when we have running a man like a jury commissioner in a district — it was absurd in itself — this man — there were three election districts; he got 343 votes to one in his district. The Republicans, Democrats and everybody up there, apparently went and voted for him. This was at the last election. Yet if I could have — I was against him — if I could have got a candidate up there to run against him, I would have cut that down, but I couldn't get anybody; he seemed to have everybody there. He didn't get nominated all the same.

Q. Is there any practice of putting in what we call "straw candidates" along the lines you have suggested, prevailed in the city in any instance? A. Yes. This law has not been in operation long enough, but you can plainly see that those who take an interest in politics are going to apply it. As I said before, if I could have built it up in that place, I would have applied it in that case.

Q. You mean simply for the purpose of weakening a candidate? A. Weakening a man, reducing his vote.

Q. Without any hope of nomination? A. Without any hope of nomination, because we were for another man. And then you will find this situation — of course, the effort will be made by politicians — and for them I have the highest respect — I may say I have taken as much interest in politics and I am not an office holder and held office rarely, ever be a candidate for an office, and then always a forlorn hope — but the politicians after all are the salt of the earth so far as civil government is concerned. Occasionally some politician falls by the wayside; does wrong — they do that in the churches as well. But he gives his time and his

attention and his money and his effort, and is always the leader in his district, and is working for the public all the time. Even if he does get some private advantage, and usually he has to pay good and strong for that.

Q. What opportunity does it afford the so-called strikers, or ward workers where there is a multiplicity of candidates to obtain compensation for the support of various candidates. Have you had any difficulty of that kind here or seen anything? A. Well, I haven't seen anything of that. It is manifest that there is an opportunity for that; that is all; that is plain, we can get at a candidate, just as you understand a man may pay all they want in his own district with no possible chance of election.

Q. Do we understand then that your conclusion is that merely because a man may receive a plurality of the votes as a candidate where there are several candidates, it does not necessarily follow that the people have made the best selection for that particular office? A. Well, I would imagine that, perhaps, more than three-quarters of the time they would make the worst selection. They would, perhaps, elect a man for his popularity; they would select him for the locality in which he lived. Now supposing I wanted a Democratic candidate nominated in the Democratic party here, I would naturally nominate a candidate from a large popular — in the Democratic district where they would vote — as I illustrated in that case clearly here for one man. Then I let the rest of the county do what they pleased. I will get all I can and I will let them go their way. I've got enough and that's all I want. I don't care if we nominate by one or 10,000.

By Mr. PHILLIPS:

Q. Mr. Brennan, you would not say that direct nominations system has in the slightest degree improved the character of the nominees, would you? A. Oh, I believe not; I am sure not.

Q. That is, there has been no material change from the convention to the direct primaries? A. No. In the county of Alleghany, the only instance where there was a change is in this case of the nomination of this candidate for sheriff that I have referred to. All the rest of the candidates of the machine in that case were nominated with the exception of this one man.

By Judge KNAPP:

Q. Was there any moral question involved, or anything of that character in this contest from which some people might conclude that the man who was defeated was an improper person to hold office, allegations of that kind, or simply the fact that he had drawn these salaries as a public officer, and this expenditure of money as you have suggested to defeat him? A. My idea of it was that presented a situation that produced a sentiment in favor of the young soldier against the old politician. That was all there was to it. And having the newspaper that I have spoken of that worked hard and did everything that it could on one side, and having the rest of the newspapers here indifferent as to who should be nominated, and the Republican organization feeling that there wasn't any possibility of their majority being overcome, they were simply lured in that way.

By Senator MEADE:

Q. Didn't the \$15,000 have something to do with it? A. Well, of course, I feel that it had a very important effect. (Laughter.) He had a man, perhaps, that at nearly every election placed the amount where it was important to have him to help this ticket out, and, of course, I don't know anything about how they did that. The newspapers didn't indicate—I mean the records didn't indicate, exactly how they spent it.

By Judge KNAPP:

Q. It has not been charged in any way that the so-called Republican organization was not loyal to their candidate? A. Yes. That has been charged, but, I have no evidence of that from my own standpoint, that that was true; but of course, it is manifest when I say to you that this very able man who contributed this money when he was interested there would be a great number of his friends, because he was one of the leaders of the Republican party and one of the leading leaders, I may say, of the Republican party here for many years, and it seems to me very likely that when he gave out the word that he was on that side, I've no doubt that contributed much to the ultimate result. Without him, I feel that there would be nothing to it at all.

By Mr. CONKLIN:

Q. You don't think that that same man would have stood any chance as an independent candidate to be nominated by petition at the general election? A. Well, if he had got 150 votes I would have imagined he would have done pretty well, instead of getting 37,000.

By Judge KNAPP:

Q. Is it your conviction that an individual not supported by some sort of an organization would have an opportunity under this system here for nomination? A. I wouldn't think he would have a chance in the county or city of Pittsburg; he would have locally, you know, if he was a man —

Q. For a small office in a small district? A. Yes, personal following.

Q. Without something of a support from some organization, is it reasonable or possible for a man to secure a nomination upon a ticket through this system in a large division of the State, or the State itself? A. Well, it would be my opinion it was not, unless it would be some extraordinary popular man who was put up against a man who was manifestly unfit or unpopular.

By Senator MEADE:

Q. That same thing could be accomplished under the old system? A. Exactly; exactly. And then when the man was selected, if he was a Democrat, he was a Democrat and Democrats were responsible for his conduct, and the Democratic leaders could go down and say to him, "Why this is not the promise upon which you have been nominated —," he might repudiate him — "This is not the Democratic policy;" and he can either repudiate it or not and then you know where he stands. But one of these men nominated under these conditions, they are responsible to nobody, and without responsibility and without experience and with, perhaps, in many instances, without any previous opportunity to have experience — I am informed that the sheriff of the county, the man who was nominated for sheriff, I am informed was never in the court house in his life.

Q. You mean not responsible to anybody. Not responsible even

to those who have furnished the money? A. Well, that, of course (laughter), that I don't know. I would imagine if he is an upright man that he would be responsible to pay the money back and I don't think he would regard that as a political responsibility in any way. When I said 35,000 votes didn't you understand that it was the county; did you understand that it was the city. If that was the city then it would be instead of that, it would be about 22,000 — the vote for Bryan against Taft, I'm only guessing — I can say against Taft 40,000 or 50,000 Republican votes for Taft.

Q. There are about 75,000 votes in the county? A. About 75,000 or 80,000 Republican votes.

Q. And about 35,000 Democratic in the county? A. Yes.

Q. A Republican majority of about 40,000? A. Yes.

Q. But in the city 22,000 Democratic votes? A. About 22,000 to 48,000 Republican.

Q. About 26,000 Republican in the city? A. I am only guessing. I want to say to you gentlemen of the Legislature of New York that I think you did exactly right by having this—of course my opinion isn't worth much, perhaps—but I am free here to say that I think the Legislature of New York did wisely to have this matter investigated carefully. It may be that I am wrong in my judgment; but it would be unwise, as it was hysterical and unwise for the Legislature of Pennsylvania, after there had been some scandal about the erection of a building, then the Governor and a lot more got scared, and they called the Legislature in extra session and it passed nineteen freak laws. The point I'm going to make with you gentlemen, is that this legislation, merely because it has been passed in Minnesota and Wisconsin and a few western—wild western and woolly states, that it is no reason why it ought to be adopted by people who live under, perhaps, different conditions, and who have as much knowledge of politics and lives and motives of men as do these wild western gentlemen.

Senator MEADE: We are very much obliged, Mr. Brennan, for your appearance.

W. S. McCLATCHY:

By Judge KNAPP:

Q. Mr. McClatchy, what is your official position? A. Chief clerk of the County Commissioners.

Q. You have three County Commissioners here, the same as other counties? A. Yes, sir.

Q. And the board is two Republicans and one Democrat? A. Yes, sir.

Q. Can you give us from the record of the County Commissioners' office the votes that were cast at the primaries in — A. I can't give you that.

Q. In 1907, 1908 and 1909? A. No. I could have given you that if I had known it.

Q. Well, can you give the total showing of that, so we can have it with the papers here? A. Yes, sir.

Q. Can you also include in that the registered vote? A. Yes, sir.

Q. And the vote cast at the election? A. Yes, sir.

Q. So that we may have for comparison the registered vote, the primary vote and the election vote of the several parties? A. Yes.

Q. How many parties are there here that participate in the election? A. Well, three or four active — Republican, Democratic, Socialist and Prohibitionist.

Q. Well, any other that are not active? A. Socialist Labor, and United Labor at times; then there are independent and citizens' parties, by nomination papers.

Q. They have sometimes by nomination papers participated? A. Yes.

Q. You have samples of the ballots here showing the number of officers? A. Yes, sample of the municipal ballot — no these are the spring ballot. I will get you the municipal ballot, too. This is a municipal ballot (indicating). That is the spring ballot of 1908 (indicating).

Q. Well, have you got any of 1909? A. Here is the spring of 1909 (indicating); quite a difference.

Q. A difference in the number of officers to be elected? A. Yes, sir.

Q. Are you able to observe any relative difference because of the location of the name upon the ticket; any added strength because of the first name? A. Yes.

Q. What do you notice in that respect? A. I notice that in the

spring primary in a close legislative district candidates for a delegate for the Republican convention — a man that was practically unknown, by the name of Allen — outside of — well, he was known, but not politically known — ran the highest of any candidate on the ticket.

Q. His name was Allen? A. Yes.

Q. I notice here Representative in General Assembly. There are eighteen candidates on the Republican ticket, with the direction to vote for four? A. Yes.

Q. What did you observe with reference to the first four on that ticket, beginning with A and B? A. Well, the first man was elected.

Q. Was he an organization candidate? A. Yes, sir. All the organization candidates were elected.

Q. Regardless of their location? A. Regardless of their location.

Q. How about Bolt, Bradley and Brackett? A. They were defeated.

Q. Did they get votes, apparently, because of their location upon that ticket? A. No, I couldn't say that they did. I think this man was the last man in the bunch. I think Bradley.

Q. Still you think that that position — A. The head position?

Q. Gives a man an advantage? A. I think it does.

Q. Then it behooves a political party, if it wants to be sure of an election, to get some man whose name begins with the first letter of the alphabet? A. Yes.

Q. I mean through the selection at the primary it is a good thing to select the man having the — A. Well, they are all one party on this ticket. It runs different in other places. There's Thompson, he got defeated; and Brand got defeated, and Campbell was elected, or nominated. And O'Neill was nominated.

Q. They were organization candidates? A. Yes, sir; Campbell and O'Neill.

Q. With the exception of the case of the sheriff, in this last primary, do you know of any case where the organization candidates have been defeated since this law went into effect, or has the organization nominated its candidates? A. Generally, yes.

Q. The dominant organization? A. Yes.

Q. But there have been contests within the ranks of the Republican party for these nominations? A. Yes.

By Assemblyman PHILLIPS:

Q. How were your city officers nominated, or your aldermen and councilors elected, prior to this direct primary system? A. By certificates of nomination and nomination papers — regular nominations of the parties here — the nomination papers.

Q. What I'm getting at is, were the councilmen and aldermen nominated in the convention or directly by the people prior to this? A. Mr. Brennan, in our place — you do not get it, perhaps — the alderman is the justice of the peace, and the councilman —

By Mr. PHILLIPS:

Q. Well, the councilmen of the city government — now how were the councilmen nominated, by convention, or were they nominated directly by the people? A. They were supposed to be nominated by the wards and sometimes they were nominated by the committees appointed by the different political parties in that ward, and sometimes they would have a primary.

Q. Well, now, at that primary. How were they nominated? Did the people vote directly for the candidate? A. Yes, sir.

Q. And for how many years had that system prevailed prior to the adoption of this law? A. 'Ninety-two, I think, wasn't it?

Mr. BRENNAN: Eighty-six.

A. Eighty-six; yes, 1886.

By Mr. PHILLIPS:

Q. So that, so far as the nomination for councilmen was concerned, they were nominated directly by the people of the ward, were they not? A. Except in case, I say, where the political party meet and organize for suggestions; whether they resolve to nominate by appointing a committee to pick the nominee and then certify to the County Commissioners the nominee. They have two ways of doing that.

Q. Well, which method was followed mostly — the direct method or the committee method? A. The direct method.

Q. Now, you've had some trouble here, have you not, with your municipal officers, your city officers; some of them under indictment? A. Yes, sir.

Q. Councilmen under indictment? A. Yes, sir.

Q. How were those councilmen nominated, by direct vote of the people or were they the products of this iniquitous convention system? A. They were nominated by direct vote of the people.

Q. Are any of these councilmen under indictment nominated since the adoption of the direct primary? A. I think there is one.

By Judge KNAPP:

Q. Renominated after indictment? A. Yes.

By Assemblyman SCOTT:

Q. How many of the councilmen are there that are indicted? A. Why I couldn't say the exact number. A. How many are indicted?

Mr. BRENNAN: There were seven or eight.

By Senator MEADE:

Q. You say there were seven or eight of the councilmen indicted who were nominated under the present system of direct nomination?

The WITNESS: No; some of them may not have been.

Assemblyman PHILLIPS: They were all nominated directly, he says, by the —

Mr. BRENNAN: There were a few of them were nominated under this system.

Senator MEADE: Oh, I know; but they were all under the direct system of nomination.

The WITNESS: Yes.

Judge KNAPP: I guess that is all, Mr. McClatchy. We are very much obliged to you — if you will furnish us with the figures.

Recess until 1:30 o'clock P. M.

AFTERNOON SESSION.

LEE S. SMITH:

By Judge KNAPP:

Q. You live in the city of Pittsburg? A. Yes, sir.

Q. How long have you lived there? A. Since 1862.

Q. And have you had political affiliations? A. Yes, sir; I am a Republican, except locally, and then I am for the best man.

Q. Do as you please? A. Yes; I don't believe there is any politics in it, except as to civic affairs.

Q. Your position is then similar to that of a good many people who have testified before us — that partisan politics, you think, should be divorced from the administration of city affairs? A. I do, yes; on occasions when I thought party politics became corrupt in the city.

Q. Are you engaged in business here? A. Yes; I am in the dental supply — manufacturer and dealer in dental works.

Q. And how connected with the Chamber of Commerce? A. I am president of the Chamber of Commerce.

Q. How long have you been president of the Chamber of Commerce? A. This is the second year. I have been associated with it, though, in a number of other offices ten years.

Q. The Committee understands there have been six primaries conducted under the primaries act since it became effective? A. Yes.

Q. Can you state, Mr. Smith, to the Committee what, if any, conditions in the city, county or State gave rise to the enactment of this law — what alleged abuses under the old system? A. Well, it was a fact that the primary law, like what it has been in many other States at the present time, was no primary at all; you couldn't get a vote at the primary election for a candidate unless they wanted the man; no law to protect you.

Q. Let me ask you right there: Was that because of the lack of personal registration or because of the method of voting? A. Oh, well, it was because of the determination of the party in power to carry things their own way. I'm a Republican, but at

the same time our Republican party was abominably corrupt in this section; no question about that.

By Mr. Scott:

Q. Did that arise largely from the fact that you had no way of protecting the election through its election officers? A. That was it; there was no law. They had corrupt election officers and elections; it was simply a farce; that was what it was under our law here.

By Judge KNAPP:

Q. As I understand it, there was such a thing as a caucus, at which suggestions for nominations were made; and if no objection then these proposed nominations were made by those meeting at the said primary; and if there was objection then there was a vote taken for the proposed candidate? A. Yes; and if there was a vote it was carried the way the party wanted it.

Q. And that was because of the corruption of the party officers, the primary not being safeguarded by any general statute? A. That is my idea exactly.

Q. Through fraud. Do you think that under the present act, which makes the primary election officer elective instead of being appointed by the party organization, has corrected that condition? A. I do. I don't believe it is possible, under the present law, unless there is some way for the candidate to corrupt the primaries.

Q. That is, if the election officers are uncorrupted? A. Yes; they are safeguarded by law.

Q. Now the question that will arise in the minds of those still adhering to the delegate and convention system is this: If a statute had been enacted which secured the appointment through legislative process officially of election officers, or their selection by an election system, could that condition have been corrected without the direct nominations feature of the law? A. Well, it might have been; but, at the same time, I think there is more chance for corruption there — for corrupting the delegates.

Q. In the city of Philadelphia at the present time, I think, they are having a controversy over the frauds alleged in 380 of the

1,167 districts. Now you think that that evil which had grown up under the old system has been corrected by the new? A. I think it is very largely corrected.

Q. Have any other alleged faults or abuses been corrected by this direct nomination feature of this new law? A. Well, I don't know that there have. I can't suggest any just now.

Q. It is claimed by those advocating the system that it will do away with the power of the leaders, called bosses. What has been your observation in that respect? A. Well, it does away with them — because, now in our last election here for mayor the bosses had no influence in the election at all, hardly.

By Assemblyman PHILLIPS:

Q. You mean the primary election? A. Yes, the primary election.

By Judge KNAPP:

Q. The candidate of the organization was defeated, was he? A. No; the organization really didn't have a candidate; had two; there were two regular organization candidates came out for the nomination; one of them was nominated; Mr. McGee was nominated; he was the candidate of the party organization, but the other party was one as well.

Q. The organization, then, was not agreed upon its candidates? A. No; not comparatively so.

Q. But if the Republican organization, being the dominant party in the city, is agreed upon a nomination, ordinarily is it able to carry it? A. I think it would, yes; in a city like Pittsburgh, where it predominates to such an extent.

Q. Do you say the condition exists now as formerly; that is, under the present law? A. Not so much so; I don't think so; I don't think they dominate the primaries like they used to.

Q. In the matter of selection of candidates as to character and ability. What is your observation as to whether the present system results in the selection of a better class, or otherwise? A. Well, that is problematical, I think. Because the candidates now come out themselves, largely, while they may be endorsed by the party — one party or the other, section or the other — at the

same time they do not do it openly like they used to. The party here in our city held a caucus of the organization and simply elected a mayor and other officers without any question at all, because whoever they put up was elected.

Q. Now you say the candidates come out themselves? A. Yes, sir.

Q. You mean without suggestion from organization? A. Well, they do; that is, I don't claim that the candidates were without selection; now the Republican nomination — neither of them was, you might say, entirely the choice of the organization.

Q. Both of these two men announced themselves as candidates? A. Yes.

Q. And do you think the fact that the candidates become largely self-announcing gets a better class of men for the public service? A. I don't know that it does.

Q. In that respect what you say as to whether the new system of nominations is an improvement upon the old; I mean in the matter of the suggestion of men who are capable men of character and reputation? A. Well, it is an improvement because it gives a fair chance.

Q. An opportunity for everybody to become a candidate? A. Yes.

Q. Whether the self-seeker is a man worthy of confidence and support or otherwise; you believe, then, it is an improvement if he has a chance really to become a candidate? A. Yes, really I do. I don't think that one man shall go round to the conventions, as we did here, and one man name the mayor of a city like Pittsburg or Philadelphia or Boston or any others; and that is what has simply been done here for years, under the old law.

By Assemblyman CONKLIN:

Q. Can't the people remedy that at the polls on election day — at the general election? A. Well, they do; they do do it every other time to the organization here; about every third election.

Q. Then what is the necessity of having pre-election? A. Well, if you have got to have a primary at all I say that the primary system now, I think, is as near perfect as we can have it. I don't know whether it is necessary — it is an awful expense on

the candidate. One of our candidates by a sworn statement — you know they have to swear to their statements — one of them spent \$32,000 and was defeated.

By Judge KNAPP:

Q. As a candidate at the primaries? A. Yes; candidate for the nomination.

By Senator MEADE:

Q. What is the salary? A. \$10,000 a year, three years and no longer.

By Assemblyman PHILLIPS:

Q. He made a sworn statement that he spent \$32,000 seeking the nomination? A. Yes sir. That was brought out that he spent that much; you know under our law you have got to make sworn statements as to where he got his money and what he did with it.

Q. What did his opponent spend? Twenty something.

Q. Twenty thousand and something? A. Yes, twenty thousand.

By Judge KNAPP:

Q. And he was not eligible to re-election? A. No, not without interim.

Q. That is true of most of your municipal officers, isn't it, in many of your county offices? A. I don't know how it is with other county offices.

Q. Well, what do you think of that? A. I think it is an unfortunate feature, sometimes.

Q. Speaking of the multiplicity of candidates. Is it true that occasionally there are so many candidates that one man is nominated on a plurality that is several less than the majority of the votes? A. At the nominating convention?

Q. At the primaries? A. I don't know how that would be. It has not occurred in our experience here. It has always simmered down to two, I believe. It might be possible.

Q. But there appeared to be upon the ballots you have here, in many cases — one case I refer to where there were twenty-two

candidates and only four to be chosen for the Republican nomination; another there were eighteen and two to be chosen? A. Well, that might occur there.

Q. In all such cases the man receiving only a small plurality, which was less than the majority of the votes would be regarded as the choice of the entire parties? A. I have never gone into the old system of nominating conventions very much, but what little I did — I was a delegate in two or three of them and I was always ashamed of myself for being in them.

Q. In your observation as to the working of this statute has your attention been called to the fact that the members of the one party frequently nominate the candidates of another? A. Well, that has been charged in this last election. Now I don't know how far it went. They charged it when the people, the minority party here, you know, the Democrat-Social party — unless there is — by reason of the independent Republicans —

Q. Some sort of fusion, I suppose? A. Yes. Some fusion and they went to them after they found they could not nominate a man without them.

Q. What I refer to is the nomination by the majority party of a member of its own party upon the Democratic ticket. For an illustration — as has been done in Philadelphia in the nomination of district attorney — District Attorney Gibboney — the Republicans upon the Democratic ticket. What is your view as to whether that is a desirable feature of this law to permit such a condition? A. Well, I don't know particularly what to say about that. As I said on the start, locally, I don't care to vote for a Democrat rather than a pure Republican; I don't believe in drawing party line in civic affairs and that is my own idea.

Q. Well, that is what you say as to county officers. Then would you also extend your system to the State officers? A. You mean the nominating?

Q. The nominating system. A. I don't know that I have studied it enough.

By Assemblyman PHILLIPS:

Q. The primary? A. I don't know that I have studied it enough; I think it would be a little more difficult to handle it there.

Q. And would you say some party consideration, perhaps, you think that might prevail there? A. Yes, I think there would.

Q. That would not prevail in municipal elections? A. I think there is; there might be very strong party reasons. And then another reason is that take a man out of here from the eastern part of the State, he might not be known well in the west, and yet he might be far the best man for the party or for the office.

Q. A system which permits the members of one party to vote the ticket of another party with impunity in the primaries, what do you say as to whether that is desirable? A. I doubt that. I doubt its being desirable, because I think that where there is the conditions for every man to vote with impunity the vote is large if they throw their votes together. Now the difficulty here, we had a peculiar condition where they charged that the Republican manager and the Democratic manager were always in cahoots, and the Democrats selected and elected the ones that the Republican majority elected and then they would divide the offices.

Q. You say before this system came in? A. Before this system.

Q. Have you known whether any of this has been done since? A. I have not; although they charged at the last election, the newspapers — you can't go on what they say — they charged that the Democrats were influenced to vote for one of the candidates by their organization. I don't know whether they did or didn't.

Q. You had a recent illustration here of the ability of one person who was a candidate for sheriff, who might not be the candidate of the so-called organization, being nominated? A. Yes, that was rather a peculiar condition. I could hardly understand it myself; this young man came out in regards to the nomination. He was backed by ex-Senator Flynn. He put up some \$7,000 by his sworn statement afterwards, for his election. He sprung it on the people, sprung his name on the people and antagonized the element, the old line element; that is, you see, this man Mackrell had been a politician and an officeholder for years and years and they played and went in on that idea that he had held office long enough. I don't know what the question was; it was kind of an unusual condition because he was overwhelmingly elected.

Q. Were there any charges? A. No, nobody knew this man at all, hardly.

Q. Any charges or suggestions that Mackrell had not been a competent and efficient officer? A. No, sir. The only charge I heard occurred in their advertisements; they harped more that this young man had gone to the Philippines and fought for his country when they needed men and that he had never held office and he only received \$13 a month for his services; they harped on that and it seemed to strike a popular chord and it was one of the most astonishing things that ever happened; I never knew anything like it myself.

Q. That was the principal cry, was it? A. Yes, sir.

Q. Not that he was a man that was more capable of performing the duties of this office than the former candidate? A. No, because the other man had been for twenty-five or thirty-five years an officeholder, and he had received so many thousands of dollars, and this young man had never had anything and gone and offered his life on the altar of his country and went to the Philippines, and that seemed to strike a popular chord and swept him into nomination.

Q. Now that same condition would be apt to influence men that you might take out of the shops here or from any employment? A. Yes, sir.

Q. That he had never had much compensation from any source and therefore he ought to be sheriff or mayor? A. Might. He might get in on the same pleas.

Q. What I want to get at is whether the cry of the majority, as it was in that case, in your judgment results, generally speaking, in the selection of the best men for the public office? A. No, I don't think so; no, I don't, because you might pick one that was no good at all for that office, might have no qualification for that office; I don't know that he has. There may be some person — I don't know — I don't know the young man, never met him and it may be he is a regular ignoramus.

By Assemblyman PHILLIPS:

Q. That is if he was a popular vote getter? A. Yes. If he simply struck a popular — touched on the popular appeal with any cry and that it swept him in.

By Judge KNAPP:

Q. Have you observed cases where a cripple or a man physically deficient who might interest pity and sympathy of the multitude, is sometimes carried into office, perhaps, an office to which he is not fitted from an educational point of view? A. Might be such a case.

Q. By the same kind of process? A. By the same kind of influence.

By Assemblyman PHILLIPS:

Q. Do you think, Mr. Smith, that under the — I am speaking now of the direct nomination system as applied, we will say, to a representative in Congress, where the district may comprise a larger center of population and rural districts — do you think that there is the same opportunity under the direct nominations system for the office seeking the man as there was under the convention system? A. No, I don't think that there is, and I believe that the convention system where it was honestly conducted would really seek a better man.

Q. Especially where it comprised a large district like a representative in Congress? A. Yes. That would be more likely, especially if they went at it honestly to select out in the open.

Q. Under the direct nomination and its primaries is what I was saying? A. There are a great many men who would make the very best officers in the world, the men who would not ask you to vote for them and never get it; as an illustration I say that the best men are often those who would not ask for office, who would not announce themselves.

By Senator MEADE:

Q. Would not seek the nomination and announce themselves? A. That is one thing against the primary system, because you find that, for instance, right in our primaries here, this man that as I say spent over \$30,000, and another man \$32,000, and they placarded the city from one end to the other with the merits of themselves. One of them was called "Honest John," and he had himself heralded on little go-carts going through the streets placarded with "Honest John." Now, no honorable citizen

would want anything of that kind. While the other was going around and they were blackmailing each other and throwing mud at each other in such a way that no honorable upright business man would want to do or would do to get office.

By Assemblyman CONKLIN :

Q. Do I understand that while personally they might accept office were the nomination equivalent to it, you might not accept nomination if you would have to get out and make an undignified canvass? A. That is it exactly, but I might have said that I do not want it in the first place, and in the second place, I would not if I had to go into it.

By Assemblyman PHILLIPS :

Q. And yet under the direct nomination system that would be almost absolutely necessary where there were more than one for that office? A. Yes, it would; no doubt about it.

By Senator MEADE :

Q. Now, Mr. Smith, assume a primary and convention honestly and properly conducted; also assume a primary, a direct primary, direct nominations primary, equally honestly conducted, which of the two would you prefer to select the candidates for you to vote for? A. Why the convention if you have them honestly conducted; I think the convention would be more likely to get the men.

Q. Assuming, I say, that they are both equally honestly and fairly conducted, which would you prefer? A. I would prefer the convention, because I believe that it gets the politicians and not the office seeker.

By Assemblyman PHILLIPS :

Q. A chance for comparison? A. Exactly.

By Judge KNAPP :

Q. I think we did not get your statement, Mr. Smith, with reference to the suggestion of a possible candidacy for the mayoralty? A. Well, I would rather not say anything about that if you

please, although I was solicited; I am very sensitive on those matters.

Q. Very well. It certainly is very courteous on your part to come here. A. I am very glad to do anything I can to forward the investigation.

Q. The fault of any system, as I understand you, substantially is that the officers who undertake to carry it out may be weak, inefficient or corrupt? A. Yes, particularly corrupt.

Q. If it is a convention system or a direct nomination system, and if that condition prevails, evil results will follow from it? A. No doubt about it.

Q. Necessarily and naturally? A. You know that taking a general election, it may be carried on corruptly, just as we had one election here some years ago, when our own party was in the saddle absolutely, where they caught them stuffing ballot boxes and there was one of the ballot boxes that had 125 ballots in before the polls were open. (Laughter.) Absolutely, and they caught them in the act, and one of the men fell dead when he was caught — affected his heart — and they cleared the others.

Q. Nothing of that kind is legal in Pittsburg, so far as we have been able to discover? A. No not legal (laughter), they have to cover it up — but I was ashamed of our own party for doing it. Even in the courts they covered it up.

By Assemblyman PHILLIPS:

Q. One other thing, Mr. Smith. As I understand it — this is a matter of public knowledge — you have certain men who hold the office of councilman that are under indictment, have you not, in Pittsburg? A. Yes, sir, we have several of them.

Q. And were they nominated directly by the people? A. I don't know whether —

Q. How did you nominate the councilmen before this law took effect; was there any semblance of a primary? A. Nominated by ward convention.

Q. As I understand it some of the men who have been indicted, or are now under indictment, are the products of this primary system? A. I don't know whether they went in under this primary system or not.

Q. Some few under indictment within the last year? A. Yes, I guess there are at that.

Q. Renominated during the last year? A. Yes.

Q. Under the primary act?

By Assemblyman CONKLIN:

Q. You have stated that you were in favor of disregarding party lines in municipal affairs. did I understand you to say? A. Yes, sir, absolutely.

Q. Well, do you not think that the direct nominations system has a tendency to emphasize party lines, and to lead people to follow party lines in a general election? A. No, I do not know that they have; in fact I have studied a good deal this new government by commission, civic government by commission. So far as I can see, that, to my mind, is the ideal form of city government, to wipe out party lines altogether.

By Assemblyman PHILLIPS:

Q. In order to make them all general that anybody can be announced as a candidate? A. The highest, too, are taken as candidates no matter what party they belong to.

Q. Well, do you think that direct nominations has a tendency to induce people to remain in their own old organization and fight the battle out there? A. Well, I don't know. We have not had experience in that line here under the new law to form an opinion on that. Our people are making the city election come here in the past every three years, three terms, rather, and we put in an independent. Now Mayor Kelly has just gone out of office, a Democrat, and we put in an independent Republican.

Senator MEADE: Anything else. If not, we will excuse Mr. Smith.

Mr. SMITH: Gentlemen, I am very glad to have met you.

A. P. MOORE, editor *Pittsburg Leader*:

By Judge KNAPP:

Q. We understood, Mr. Moore, that you desired to appear before this Committee? A. I am very glad to come here to help you.

Judge KNAPP: We are seeking for information on this subject

from all viewpoints and welcome any one who can give us any light on the subject.

By Senator MEADE:

Q. Do you prefer, Judge Knapp, to ask him some questions?

A. Yes.

By Judge KNAPP:

Q. You are connected with one of the papers? A. Yes, I am editor of one of them.

Q. You are editor of what paper? A. The Pittsburgh *Leader*.

Q. Is that a partisan paper? A. No, sir, we don't think so.

Q. An independent paper? A. Yes, sir.

Q. With Democratic or Republican tendencies? A. Well, we are just independent. A paper for the people. Sometimes one way and sometimes another. An independent Republican possibly on national affairs.

Q. On national affairs. The Committee has heard of the controversy at a recent primary here for the nomination for sheriff, and the only reason why the Committee inquired into that is because of the fact of the controversy having arisen and a young man having won out who was not, perhaps, very well known. That fact has been printed in the newspapers as one of the evidences of the good results of direct nominations system. And for that reason, if there is any explanation which you wish to make in connection with the statements that were made this morning, we will be glad to hear them? A. Well, here is the proposition: this man that they speak of was well known, J. H. Brough. He was well known from the fact that he must have been well known because he got 38,000 votes and I think the other man 20,000; and the result proved in particular here that the man who will go out and work and has a good clean record can win. Under our delegate system men could sit back in a back office, two or three people, and say, "Why, John Smith is going to be the next sheriff." They put out the candidates. They said Mackrell was going to be the sheriff, and therefore every one of the boys sat down; but this young man started out and said that he had a chance to win out, and he went before the people and he made the statements before

the people; he covered every inch of ground in Allegheny county; he possibly saw 25,000 people, and when he was through with that he went into the newspapers and told his story and they believed him. And they nominated him.

Q. What story was it that he told that influenced the people to any degree? A. He informed the people how he was going to conduct the office; he wanted a chance to conduct it and how he was going to conduct it and he made his statement then and sent it to the paper.

Q. Were these statements made by himself? A. Yes, signed by himself, of course, but I don't know whether he sat down and did the writing, or simply said, "I've read it;" now, I don't know.

Q. I simply meant by that whether it was a paper that had been prepared for him? A. No — I don't know, but he just went out and hustled.

Q. Was there some money spent in that campaign? A. Yes, a good bit of money.

Q. Do you know how much? A. I think about twelve or thirteen thousand dollars.

By Assemblyman PHILLIPS:

Q. By this candidate? A. Well, six thousand by the candidate's statement showed —

Q. Some one said this morning the statement showed \$15,000. A. Well, they don't know.

By Judge KNAPP:

Q. Did I understand you to say that he was a man of means? A. Yes; well, he had friends who had means.

Q. Your law required that that be shown? A. Yes. He is a gentleman who comes from a good family to start with; his grandfather fought in the Revolutionary War and a young man like that, you know, comes of a good family; and a man that got out and was a hustler.

Q. And it was that personality and that hustle that won out? A. That hustle that won out. And any man can do the same thing. The other man went on with the old order of things and was glad to sit down in the court house and do the same —

Q. They had to get a man who possessed the qualifications particularly? A. Yes, I think the people thought that one man had been tried and the other fellow hadn't. The other man, of course, was promising, and they wanted to give him a chance, just the same as you would in business or in anything else — one man — the other one wasn't much good.

Q. And you say that the other had been trying to win and he won? A. Yes.

By Senator MEADE:

Q. What were the charges or statements of incompetency made against the other man? A. Well, on the general principle that he was slated by the party bosses and he had been a perpetual officeholder and he never had done anything very brilliant, or rather the office in the court house had been such in the sheriff's office for the last few years, it had not been changed; a lot of feeling among the lawyers on the basis that there were — well, they had a writ served and so forth they had to pay a little commission to the clerk, to the deputy, and they just wanted a change.

By Assemblyman CONKLIN:

Q. Couldn't that be remedied at the general election? A. It could be, yes; it could be advocated. But it could not have been so long as the political dictators set up one man for them for the same office.

Q. Well, can't the people correct it at the general election by nominating independent candidates? A. They can but you get them mixed up in parties, and you get the two parties agreeing and there isn't much choice, possibly, between the candidates which are elected — but it is the people. If you can't trust the people then our government is no good.

By Judge KNAPP:

Q. Well, your theory then, is that the people, I mean the majority, is always presumptively in the right? A. Yes, they should be; if they are not that you can remedy.

Q. Then the majority that has been in power in the city of Pittsburgh for so many years presumptively is in the right? A. Well,

the majority hasn't been — there have been different majorities, so one way or the other, when they didn't like one majority they would put another in, but they didn't have much chance.

Q. They did that under the old system, didn't they? A. Yes, they do it under direct primaries now.

Q. No, before the direct primaries? A. Well, they changed that, but didn't make much improvement; but I think they will now.

Q. I understand the charge against Mr. Mackrell was not of dishonesty? A. Oh, no.

Q. Of incompetency — were there not large advertisements of the fact of the salaries which he had received? A. Sure.

Q. And in public? A. Sure.

Q. As contrasted with the \$13 a month received — A. Yes.

Q. By the other man? A. Yes, one fellow had been serving his country and the other fellow had been serving the pay-roll.

Q. And you think that had no influence in securing votes for him? A. It had some, but the real influence was that the man went out and met the people; went before them. The trouble in Allegheny county before was the fact that a fellow couldn't get out before the people. They would have it all fixed up.

By Assemblyman CONKLIN:

Q. Is this young man a platform speaker or talker? A. No, no, no, he isn't; he isn't a good talker, personally; a man of pleasant appearance and the people were impressed.

Q. And he met the people in public gatherings? A. He went every place, went to meet the people, went to visit them at their homes, went in stores; he went out to little country towns and met them there, he went to meetings of working people, met any one he could in society; he made a personal canvass of the county.

By Senator MEADE:

Q. Do you know how long a time it took him? A. Yes; about four weeks. Well, he had been out possibly for nine months quietly doing his work. Another thing is this: That back of him was a railroad organization of 12,000 men. I understand they were back of this new man.

By Assemblyman CONKLIN:

Q. What organization? A. Railroad Trainmen it is; there are 25,000 in the county employed on railroads.

By Senator MEADE:

Q. What was his business? A. He was a brakeman on the railroad and assistant trainmaster; that is, he had been promoted and was appointed to assistant trainmaster.

By Assemblyman SCOTT:

Q. Did he have any powerful backing? A. No, I don't think so.

Q. Was Senator Flynn regarded as a powerful political factor here? A. Yes. He was for him and possibly back of him to the extent —

By Assemblyman PHILLIPS:

Q. Put up the money? A. Well, that money was spent for him, but very little; but it was not spent through Brough or for him; I don't think that the newspapers or any money or any influence that Flynn or anybody else had would have changed it; it was the people who had determined to vote, and they voted the sheriff into the office. As I tell you, that is the view of it.

By Assemblyman PHILLIPS:

Q. What was the necessity for this young man spending the money? A. Well, I will tell you where it was necessary. He wanted to let the people see; he wanted his speeches in the newspapers and he spent it for lithographs and bills to let the people know he was a candidate; just the same as it is necessary as an expenditure for government; it was necessary for him to spend money to get organization.

By Judge KNAPP:

Q. Do we understand, then, that it is your judgment — A. After the whole expense — bill — was in advertising, you understand.

Q. Then it is your judgment that this method which induces men to become candidates and make personal campaigns to the extent illustrated by you results in the election of better men?

A. Yes.

Q. For the public? A. Because he must have a good, clean record when they come out before the public, and when they come out they've got to have or the other fellow will find out the record is not clean; and that is what we want for this county, a good, clean record.

By Assemblyman PHILLIPS:

Q. Were there councilmen nominated, or renominated, after indictment? A. Well, originally they were nominated this way: Under the old primary law they stuffed the ballot boxes — the vote in my precinct, for instance; Democrats could vote for Republicans, and Republicans could vote for Democrats. Now under the new primary law the vote is partisan, and if you've got a vote in one of their primaries you can't vote at both; they have had a lot of trouble in the past in selecting candidates; but under the new primary law now he has got to register as a Republican or Democrat, and vote by that; he can't vote at both.

By Judge KNAPP:

Q. That could be done under the convention or delegate system? A. Yes, it was done; but it isn't done.

Q. I say it might have been done; the prevention of that irregularity might have been accomplished under the convention system, the old system? A. It might.

Q. By proper legislation? A. It might. The trouble with the delegate system will not be to get a fair count for the candidate — if the delegate, his personality, the personality of the delegate in his district, might win, where if it was left to the vote of the people direct for their candidate, they might make a different shift; for instance, now I could run as delegate in my district; I might not even be considered and there might be some people who would vote for me; they would forget the man; they had the delegate for which that personality must enter into his life.

Q. Do you think it is a good feature of this law that permits a

man of one party to vote the ticket of another party? A. He doesn't vote the ticket of another party.

Q. Well, I say with impunity? A. He doesn't vote it; he can't do it.

Q. Permitting a Republican to vote for a Democrat? A. No, sir.

Q. Why not? A. Because he must — the qualification is that he voted for a Democrat or a Republican at the last election.

Q. That is, if he is challenged? A. Yes.

Q. But if he is unchallenged? A. Well, that is the duty of somebody to challenge them; if he is not challenged he might, as at any election, generally.

Q. Suppose he swears and you would have no list of it, what opportunity is there to convict a man that makes a false affidavit of that kind? A. What chance is there at a general election? You are a lawyer. What are the laws on the point?

Q. Then I understand that the party that is largely dominant does nominate frequently the candidates of the minority party? A. Now?

Q. Now, under this system? A. No, sir. Well, we have a minority party here of 25,000 votes; something of that kind.

Q. And they have no contests, you mean? A. Well, at this last one for the nomination for jury commissioner we have 25,000 votes in the county.

Q. Your views are largely confined to municipal conditions, are they not? A. No; generally, too.

Q. Do you believe in the extension of this system in the State? A. Yes.

Q. The Governor and Council? A. The United States Senator.

By Assemblyman PHILLIPS:

Q. You believe in the initiative and referendum? A. Well, to a great extent; I believe so.

Q. Believe in the recall? A. Yes; I believe in letting the people absolutely rule.

By Judge KNAPP:

Q. Get together and make their own laws? A. Yes.

Q. In other words, not in a representative form of government?

A. You can have your representative form of government with the initiative and referendum just the same, but it does away with the graft. And you'll get better men for office.

By Assemblyman PHILLIPS:

Q. Some of these councilmen — at least one of these councilmen who is under indictment — was nominated under direct primary? A. As I take it, the Senator here is an attorney, also; a man can be under indictment and not be guilty. I believe from the account he was tried before; and anyway in this bill he was indicted; but afterward it didn't come up and nothing developed that really connected him with it. He is up under a charge and has not been tried; he was not convicted; I should say they had been renominated and re-elected. But that does not prevent, you know, a man who has had a case here in which he served a term in the workhouse and under the delegate system here he was nominated for mayor and then was elected.

Q. By the people? A. Yes.

Q. No educational qualifications here in this State? A. Well, he has to go to the courts to make them citizens; ask them about the Constitution and things like that.

Senator MEADE: That is all, Mr. Moore. We are much obliged to you for your coming in.

Mayor WILLIAM A. MAGEE:

By Judge KNAPP:

Q. You are the mayor of the city of Pittsburg? A. Yes.

Q. Have been since what time? A. Since the first Monday in April, this year.

Q. Had you held public office prior to that time? A. I was State Senator from 1902 to 1905. I was a member of the Pittsburg council from 1898 to 1901.

Q. You have, of course, observed the working of the uniform primaries act? A. Very carefully.

Q. The feature that we are particularly interested in is the question of direct nomination, the nomination of the candidates by direct vote of the people, as distinguished from the delegate

and convention system that prevails in our State. What, if any, advantages have accrued to the benefit of the people and to the administration of public affairs by the introduction and adoption of this system in this city and county and in the State in general? A. There is a very great benefit, as proved in this State and county, from the passage of that law that is really independent of the direct voting system, in a general sense; but it happens to be attached to it in this State. The act of 1906 provided that in the safeguards relating to the purity of the election and relating to the casting of votes by the voter independently. I will have to tell you a little bit of history. Previous to the passage of this law we had no statute in Pennsylvania governing primary elections, except that there was a penalty provided for fraudulent voting. We did not have the booth system; we did not have an election board provided for by law; that is, the election board was a purely party organization matter. The voting was through an open window in a closed room, the election board sitting inside and the voter casting his vote from the outside, handing it in through the window; he could either prepare his ballot himself or he could take a printed ballot that was furnished by the candidate or by the delegates. There was very great criticism here of voting in that manner. There was no registry of voters except one provided under the rules of the parties, prepared by the party officers. As a result there was no public supervision over a primary election; at least it was a pure party matter. The result of it was that up until 1905 the people, in very few instances, took any part in a primary election. The political organization took complete charge of the primaries, and only those persons voted who felt some particular interest in the particular election. The primaries did not excite general interest. Nominations were made by a comparatively small percentage of the chosen number of the party voters; and on the few occasions in any contests at these primaries, there were numerous charges of fraud, intimidation and general interference. The Republican county committee of Allegheny county in 1905 adopted the direct voting system, but was not able to make any effective reform in the election machinery system. The boards were selected as before. They held the primary election as before. There was no machinery provided

for a contest. There was a method provided for in the party rules, but there was no way under the law whereby a contestant could get before a judicial tribunal with his contest. The whole matter from beginning to end was a party matter and by reason of the general lack of interest of the public in primary elections it became entirely an organization matter, and where there was a strongly organized political machine, such as there was in both the Republican and Democratic parties in this county and in this city, there was no opportunity for an independent man who either was opposed to machine politics or who was not a part of the machine to make any headway in any aspiration he might have had to go on the party ticket. The result of all that was that the majority party here, the Republican party, for a period of five or six years, was regularly defeated twice a year. We held our municipal elections in February and our general elections, including the county election, in November. From 1901 until 1905, when this direct voting system was put in operation by the Republican county committee here, a party nomination carried with it in Pittsburg certain support that was well known and could be figured out within a few thousand votes in advance of the election. The Republican candidates in every one of those elections received not less than 21,000 votes, not less than 24,000 votes. It seemed that there was a straight party vote here and it seems that as opposed to that there was a fixed independent vote. And the Republican ticket in the city of Pittsburg in those six elections received the same identical votes, practically, each time. Now it was the intention of some here that by throwing the primaries open to all the people, I mean to all the party voters, and by putting in a rule providing — allowing the contests to be decided in some kind of a fair manner, that the Republicans, generally, have shown more interest in their party affairs. So that a rule of that kind was first adopted in the county committee and in a short time afterwards in the State committee. The first primary election held under these new rules was an election for the county officers, at which, I believe, there were four offices in contests. That was held under these new rules and did not excite much more interest than the primary elections that had been held beforehand under the convention system. But the officers, while they were

county offices and few in number, they were of a rather minor nature; and those who favored the new methods then thought the lack of interest was, perhaps, due to the lack of importance and to the newness of the plan. So that immediately following — that was in September of 1905 — immediately following that, in January, 1906, the office of mayor was about to become vacant and there was a contest at the Republican primaries for the nomination. That was a very fiercely fought contest. It brought out the largest number of votes that have ever been cast in a primary election in the city. It brought out 50 per cent. more votes than the Republican ticket had ever received at any election — at any general election; this primary did. Instead of receiving 21,000 and 22,000 and 23,000 votes at that primary election, such as the Republican ticket had received at the preceding elections, there were 33,000 votes cast. But it was found there was a charge of fraud and bribery and corruption, intimidation, interference and everything else. It was found that the contesting machinery that had been provided in these party rules were not ample to meet with the situation. The result of that primary election came very shortly. Within two weeks after that the Governor of Pennsylvania, who had a short time before this called a special session of the Legislature to consider some laws in the nature of reform, issued another proclamation including primary election in the bills to be considered at this extraordinary session; and this act, then, the direct primaries act, was then passed. Now since that time, under this law, we had a primary election in 1908 for nominations for county officers, about eight county offices, and twenty-four members of the Assembly, two State Senators, forty-six delegates to the Republican State convention; in all, throughout the entire county, I think, there were somewhat over seventy candidates. That primary excited a great deal of interest and there were at least two candidates for every place. In some places there were three or four candidates for one place. There were somewhere between ninety and a hundred thousand votes cast, which was as much as had ever been cast at a general election in Allegheny county, with the exception of a presidential election, by both parties.

By Assemblyman HOWARD:

Q. Of both parties? A. Both parties. Now here is where was noticed the first defect in this law. At this same primary the Democrats had their contest and only polled about six or seven thousand votes. Whereas they should have polled according to their Presidential vote somewhere about thirty thousand or more. Now that was the first thing that was noticed about it.

By Judge KNAPP:

Q. Was that because of non-participation or because of voting on Republican ticket? A. It was the general belief that a great many more Democrats voted for the Republican candidates at that primary than voted for their own Democratic candidates, and you must remember, too, that they had a fierce contest for their — one of the offices, one of the county offices.

By Senator MEADE:

Q. Go on, Mr. Mayor? A. The next contest that came along was the nomination for mayor in January of this year. The same thing was noticeable then. I have forgotten what vote the Democrats had. Do you remember, John?

A VOICE: About 2,200 at the primary.

Mayor MAGEE: Something like that. The two Republicans, I believe, between them had 65,000 votes and the Democrats 2,200. Now you must understand between what I am saying now and the last election, that was a county election; this is a city election.

By Assemblyman HOWARD:

Q. Right there, if you will tell us the normal Republican vote and the normal Democratic vote in the city? A. You mean in the city election? I can't tell you that in particular, I don't know that. Now, as soon as that primary was over a petition was filed for an independent candidate, so that at the election which followed in February of this year there were three candidates; there were 69,000 votes cast at this election. Now you see that is only 2,000 more than the aggregate of the Republican and Democratic primaries of a month before. Sixty-five thousand in the Republican primary and say 2,200 in the Democratic would be a total of

sixty-seven. Now at the election that followed there were only 69,000. And at this election the Republican candidate received only 5,000 more votes than he received at the primary. The Democrat received about 1,500 votes more. And the independent candidate only received about 3,000 votes less than the opposing candidate, the losing candidate, did at the primary. Now, that brings out the second defect in this primary election law, and that is, that there is a large vote here that will not abide by the primary. Now I say there is no use of a primary unless it carries with it the support of all the persons who participate in it. Now that is the second defect. Now, there is still another defect that I see to it, although we have not experienced it here. I thought of it before and there has been an instance that I read of within the last few days. Mr. Dudley W. Folk, of Indiana, the eminent civil service reformer, was here some time ago and called my attention to this, and this thing that I read yesterday is in his own State; that was that Ft. Wayne, Ind., held an election at which there were four candidates. The highest candidate received less than one-third of the total vote cast. Now he is nominated by a plurality but has not got a majority. Now I can easily see how a person who participates in that primary and who does not vote for the successful candidates might feel that he is not bound by it; because the majority of a party did not express its will in favor of the successful man. But I see a much more dangerous prospect right in there and that is this: it seems to me that some element of the population that would amount to 25 or 30 per cent. of the total might control a party primary just under circumstances such as these. Now I do not know what the qualifications of the successful candidate in this Ft. Wayne election were, but assuming that he is an unfit candidate, an unfit person to hold the office of mayor or whatever that office was that he is a candidate for, if all the party voters would feel themselves bound to abide by the primary at which a candidate was successful by only a plurality vote, I can easily see how a very bad man might be elected to a very important office; unless something or other was provided in the rules to get the real sentiment of the majority of the people. This article that I read offered a suggestion to the effect that the voters should indicate their second choice. Now that brings out a

fourth defect that I see under this law. And that is, that many a voter being compelled to take this official ballot and pick out the candidate that he chooses to vote for does not know any one of those candidates, perhaps, knows nothing about them, and, therefore, is more or less in the dark. This suggestion, to my mind, is caused by the suggestion of this newspaper to have a second choice. I believe that there are a great many voters who cannot properly exercise a first choice, let alone exercise a second choice. I do not believe the suggestion about voting a second choice is a feasible one. I think there are, and I say it very frankly, I say there are some voters who do not know how to vote for a first choice. My opinion is that many voters must be advised. We have an enormous foreign population in this community, many of them who cannot read English, and many of them who cannot read their own language, and sometimes if they can read do not know enough about the issues involved or about the candidates before the people to exercise an intelligent choice. And this foreign element is enormous here. So the result of the primary election as I see it in the School Law in Allegheny county and in Pittsburg, is merely to bring about a more or less imperfect way of selecting party candidates and it results really with us in compelling two elections. In a community of this kind where the party sentiment is so overwhelmingly in favor of one party and against the other, the primary election ought to be decided on the general election; one ought end the other. But, as a matter of fact, I say that it does not. You see these various matters that I tell you have actually occurred with us. Now, the law is popular here so far. It is principally popular in mind, because it has given us an honest primary election. It is popular to a less extent because it allows people — I mean the more intelligent part of the voters, to choose their own candidates directly instead of doing it indirectly through the delegate system. We had an election here, a third one that I did not mention to you, that has illustrated this last feature of it to some extent. We had a contest for sheriff. The vote cast was about thirty-six and eleven — wasn't it, John? — about 54,000 in Allegheny county; considerably less than the vote cast in the city election in the city primary just three months before. Now, at this last primary this contest for sheriff, a young man who was

absolutely unknown to a great majority of the people, defeated a man who was very well known. The man who was very well known is commonly considered an organization politician, who has held office on and off for a great many years. His contest amounted to practically nothing. The Republican organization was generally supposed to be supporting him and I think the individuals did support him but the organization, as a whole, did not use the methods and the means that are usually attributed to political organizations in his favor. Still, the campaign carried on by his opponent was entirely advertising. It turned out from his affidavit filed under the Corrupt Practices Act that he spent about \$13,000 in advertising himself and in employing the political watchers and the workers at the polling places, the law allowing each candidate two at each precinct. In his advertising, both in newspapers and on dead walls and telegraph poles, everywhere throughout the county, he indulged in the usual kind of exaggerated political charges. He charged that his opponent was a perpetual office seeker; then he recited the list of offices that he held and in some cases exaggerated the length of his term in office, or he exaggerated the amounts of the emoluments of the office and he made a large tabulated list of offices and sums of money opposite that he alleged his opponent received, which amounted to a great big sum; in all probability three times as much as he had actually received. For instance, his opponent had held one office generally considered a very lucrative one; my own understanding is that it yields about six or seven thousand dollars, and he charges him with having received \$20,000 a year out of that for three years. And his opponent, I suppose, resting on his acquaintance and his standing among the organization, the Republican organization generally, and upon a generally apathetic condition that existed about the election did not even reply to these slanders against him. This young man, a young man that no one knows anything about, that no one knows whether he has the qualifications for this important office or not, knows about his ability, about his training, about his temperament or anything else, beat this old political war horse two to one. Now, I say that this young man may turn out to be the best officeholder ever was, but what I say about that primary is that the people do not know that. Those

who voted for him do not know that he has the qualifications to fill this office. Now, under the old-time election system, convention system, no political organization, no matter how much bossed it was, or how perfectly controlled the machinery was, would dare to put out before the people an unknown young man like this as a candidate for an important office of that nature, would not dare to do it.

By Judge KNAPP:

Q. What do you say, Mr. Mayor — well, go on with your statement? A. I think I was about finished. I was going to suggest this one thought that I had in my mind: Allegheny county has had one of the very best bench of judges that exists anywhere in any county. The way we got the high character of judges that we have was usually in this manner: a vacancy on the bench always happened at some time or other, other than the State provided for a primary election. When a new court was created it was always in the month of April, May or June, and under the law the Governor appointed until the next election. Invariably the Governor's appointees have been men of the very highest class and invariably the people have followed up the suggestion of the Governor and the majority party has nominated all the Governor's appointees; and in one or two cases he has appointed Democrats to office. And the people have always ratified his appointments and the selection of the Republican majority by electing them and in the cases of vacancies caused by death, the Governor has always filled the appointment in the same manner and the majority party has endorsed them and the people have ratified this by electing them. Now, from now on — and this is suggested by something that happened here this year — there was an agitation here for a new court, a new Common Pleas Court, which would have meant the election of three judges. It is provided in the bill that the Governor should not appoint until the next election, but there should be a primary held immediately. One result of that — the bill did not pass — but in anticipation of its passage there was a very, I would say, undignified scramble among the great numbers of members of the bar for that place. The bill had passed both Houses and was before the Governor for his signature and the last

day on which petitions could be filed by candidates for nomination was approaching, and the Governor had not given any intimation whether he would sign this bill or not. In anticipation of the possibility of his signing this bill, I think there were at least a dozen individual lawyers who either went to Harrisburg or who sent some one to Harrisburg with petitions offering themselves as candidates to the people. Those petitions were actually filed at the Capitol in anticipation of the Governor signing this bill. He did not sign it, and as a result this thing fell. But there would have resulted if he had signed this bill the most undignified scramble for an office that never yet in this county has there been any scramble for. There has always been an attitude of dignified reserve on the part of men to allow their names be considered as candidates for judge. And this system is going to produce a different state of affairs; the men, I'm afraid, hereafter who will want a judicial nomination will be the best hustler or the most popular man rather than the most able.

By Senator MEADE:

Q. Anything else, Mr. Mayor.

The WITNESS: I think that is about all that I had in my mind.

By Judge KNAPP:

Q. In your opinion does the fact that the candidates' names are in alphabetical order give the one whose name begins with an earlier name in the alphabet any advantage? A. There is no way to prove that. There is a well-defined belief that a man's name which begins with the earlier letters of the alphabet, the one who is first, has a better chance than any of the others, due to the disinclination of the ignorant voter to ask for information and assistance.

Q. Have you had any difficulty arising here from the nomination of the dominant party — of members of that party — as candidates of the minority party? A. No, not yet. I anticipate that will come.

Q. It has appeared in Philadelphia in many cases, Mr. Mayor. Assume that a statute might be framed under which the primary election officers are either elected or appointed and a bi-partisan

board selected, that the primaries can be so safeguarded by proper legislation, that they will be honestly conducted, and that delegates to our conventions are thus selected, which conventions select the nominees of the parties for the consideration of the people. What do you say as to whether this method is more likely to secure well-informed, capable men as candidates for important offices than the system which permits the voter to vote directly for the candidates in these primaries? A. My own belief is that the convention system, with a bi-partisan board, and with all the safeguards to bring out a fair election, will bring — will result in the choice of more capable men for the offices. Such a system, in my opinion, will drive away from the primaries the casual voter, whom I consider to be the independent, and who I consider to be the man who ought to vote above all others; it will drive him away from the primaries. And then I don't want to say finally and definitely whether I believe it would be better to drive him away from the primary for the sake of getting a higher class of office holders. If he is driven away, we here might fall back into our own system of doing things in an arbitrary and high-handed manner in our party matters, which includes the nomination of candidates for public office. We may bring about a state of affairs such as we had here for many years, in which we had a boss, a tight machine and a good deal of selfish and personal politics and business in relation to the public affairs. We have produced men here who have become enormously wealthy by reason of their connection with politics. I question very much whether men of that caliber will be produced under this direct voting system. Just simply because they will not be able to control in such an absolute fashion the party machinery as they did under the convention system. I do not know whether I am making myself entirely clear. But there are two considerations there. The open primary will bring in this casual and independent voter; the other kind of primary, no matter how fair it is, I doubt whether it will bring him in, because it is too complicated; notwithstanding his high order of intelligence, he will feel that there is some crook, and that there is some chance for skulduggery in there; he cannot watch his delegate in that con-

vention and find out whether or not he is going to abide by the sentiment of his district when he gets into the convention.

Q. You think, then, that the so-called independent voter has a legal and moral right to participate in the primaries, caucus or primary? A. Well, now, I was going to state it further. I do not pretend to be clear about what is the best policy yet, because, as I tell you, this casual independent voter who voted for my opponent at the primary, voted for my opponent at the election, he don't feel bound to vote for me, because I have defeated the man he voted for by a vote or two only. The votes of the 41,000 men who voted for me did not buy the 21,000 men who voted for my opponent; they still insist on exercising the second choice at a subsequent election.

By Assemblyman PHILLIPS:

Q. And of the nominee of another party? A. By an independent party petition. There was a vote here which failed to stampede, but my opponent at the primary election, or some of his chief supporters, men who bore the very highest reputation in this community for honesty and honor and probity, distinctly went out on the stump — no they didn't go out on the stump, but in interviews in the newspapers they advised their adherents in the primary, my opponent at the election, he and his supporters advised their friends to vote for me at the primary election because they said I was the weaker candidate of the two and it would be better for me to receive the nomination from their point of view because they could defeat me at the general election easier than they could defeat my opponent. Now there was advice by men of the highest character in the city, appealing to other men of the very highest character to do a wrong thing; to deliberately put a weak candidate, as they supposed, into the nomination to make it easier for him to be defeated at election. Now that means that they wanted those men to vote one way at the primary and to vote the other way at the election, and there are many that did it no doubt. But the great mass of this class who appeared at this primary election voted for my opponent at the primary and then voted for my opponent at the election.

Q. Your party affiliations are what? A. I am a strict party man.

Q. Republican? A. Republican; never voted anything but the Republican ticket; always voted at every primary and a strict organization man, besides being a straight party man.

By Assemblyman PHILLIPS:

Q. Would you care to venture an opinion. Mr. Mayor, whether or not in your opinion the direct nominations system should be extended to State officers? A. There is just as much reason why the people at large, the party voters at large, should nominate a candidate for Governor as there is that they should vote for a candidate for councilman in the ward — I won't say a councilman now; I won't go that far down; I will say an Assemblyman; or including the mayor and municipal officers; just as much reason for the one as the other.

By Assemblyman HOWARD:

Q. Do you believe, Mr. Mayor, that the citizens of the State generally have the same opportunities to know the qualifications of a State officer and vote for him directly that they do a Representative in the House? A. No, I don't believe that. I believe they have practically as much opportunity to know the qualification of a candidate for State officer as they have for county officers, or for mayor of a large city like this. For when 65,000 people voted at the primary election it cannot be possible that any more than a small percentage of them know him individually, so the great bulk of them, say at least 90 per cent. of them, must get their knowledge about him in other ways than by direct contact. I would say 90 per cent. of the people of this city didn't know the candidates at the last primary election; and therefore they passed a judgment on them through what the newspapers said about them and upon what they thought about him themselves. Now extend that through the State of Pennsylvania, where it is little more like this; I don't see that there is any difference.

By Assemblyman SCOTT:

Q. Mr. Mayor, doesn't that involve the proposition that a poor man hasn't any chance to be nominated for a State office?

Judge KNAPP: You mean unless backed by some political organization?

By Assemblyman SCOTT:

Q. Of course, a poor man running independent? A. No, I don't think so; I think you've shown that right in the city of New York; Jerome beat everything over there twice. I participated in a primary election for mayor here three years ago in which they say that I lost by 1,300 votes; I really believe that I won out by 1,500 to 1,900 — the election has been investigated —

Q. Yes, but Jerome had a campaign fund. A. He had no organization to stand on there.

Q. Yes he had, I beg your pardon — he had a local organization, had watchers, even had double watchers to conduct his election, had a large fund — A. I cannot believe that that election was anything else than that it was a popular sentiment that was overwhelming, and that he could have reached the same result without the expenditure of a penny.

Q. Well, I'm not a New Yorker; I cannot say, for I am not a New York city man? A. Oh, sometimes you can judge things at a distance better than you can on the ground.

Q. Well, possibly. I'm at a distance.

By Assemblyman HOWARD:

Q. What do you say, Mr. Mayor, whether or not under the direct nominations plan in a large political division like the State it is possible for the electors to distribute that ticket where there are several offices to be filled in such a manner as to insure reasonable support from all parts of the State? A. That question might just as well apply to a large county like Allegheny county as Pennsylvania. As I told you we had between 90,000 and 100,000 votes for a large number of candidates and three or four were for State officers, and in our case there was a total of some seventy or eighty candidates for office in the county, but no voter had to vote for seventy or eighty candidates because the candidates for Assembly were each in their own district and candidates for delegate to the State convention each in their own district. But let me take a particular case in some Legislative district, the twelfth Legis-

lative district voted for eight candidates for county office, one member of Congress, two delegates to the national convention, two alternates — how many is that? — eight, nine, eleven, thirteen — four candidates for the Assembly is seventeen; one State Senator, eighteen. How many delegates did it take for the State convention? Seven or eight. (A Voice) Six.

The WITNESS: No, eight that time. What is that? Twenty-seven?

Assemblyman PHILLIPS: Twenty-six.

The WITNESS: Twenty-six. Now that is all. Now I don't think we had a judge at that time — well there is twenty-six. Oh, yes, it seems to me they voted for two committeemen; that would be twenty-seven, therefore where there is a board of aldermen, you see — thirty-three. Now there is where I say every ignorant voter does not really express his intention, because I say he has no intention to begin with. Now he complicates the whole problem. If he is eliminated altogether then you will have to put it up to those who are qualified to vote, and there may be an entirely different result. And even the voter of the highest intelligence, it seems to me, will have a good deal of difficulty in picking out twenty-seven or thirty-three candidates out of a total of probably, at least, double that many, which would be at least sixty-six; and I know down there there were eighteen candidates for Assembly and only four elected. Now, instead of thirty-three men or sixty-six candidates to make his choice from, he perhaps had to make his choice from between eighty or ninety candidates for, we will say, thirty-three offices. Now I say the ignorant voter cannot possibly do that. It throws the whole thing into a great confusion to allow this ignorant man to go in and mark that ballot; I don't know what he is going to do with it. So you see there is a defect, I say, in the law there. Now to meet that defect you might remedy that in an entirely different way by reducing the number of public officials to be voted for. You might reduce that Assembly district, divide it into four, and let the people vote and elect one or nominate one candidate for Assembly there, and instead of electing eight delegates to a State convention, elect two. It is not necessarily a point against this law; it happens to be that in that district.

Senator MEADE: If there is nothing further we will excuse the mayor with our thanks.

Mayor MAGEE: I just wanted to say this in a general way.

Senator MEADE: All right.

The WITNESS: My opinion is that this law is just another step in the march of democracy; the only question is whether or not it has anticipated the growth of intelligence among the voters. I think that is the real question for the Legislature of the State of New York to decide. Whether or not such a complicated thing as this can at this time be submitted to the votes of the people. There is no doubt in my mind that in the next generation the people will be ready for this law. If there is any doubt in my mind it is whether they are ready for it now. And while I do not want to say absolutely — we've only tried it three times and in some ways it has produced most excellent results, and in other ways it has not produced good results. If I were compelled to express an opinion about it, I would say that it may be we are just a little bit in advance of the time when it ought to be adopted, but surely the time will come when the people will have it; when they will be ready for it unquestionably. Whether that time is now is the question, and I am a little bit afraid that we've been too previous about it in this State. I want you to understand that the direct primary law was not the result of a demand for a direct vote, but it was a demand for honest primary elections, that is what it was.

By Judge KNAPP:

Q. Did the personal registration feature have something to do with it; that is all incorporated in the same act and adopted here at the same time? A. At the same time. We passed a personal registration law and a corrupt practices act and a direct nomination system all at one session. The session called for those specific purposes together with about three or four more bills. All of them were enacted at that time.

Judge KNAPP: In addition to thanking you for your presence, Mr. Mayor, we want to thank you for the use of this room and your courtesy.

The MAYOR: You are perfectly welcome.

W. H. COLEMAN.

By Judge KNAPP:

Q. Mr. Coleman, you are a resident of the city of Pittsburg, are you? A. I live in the city of McKeesport, in the county of Allegheny.

Q. And are you the clerk of the court here? A. Clerk of the county court; yes.

Q. Is it in your court the certificates showing the expenditures of candidates for nomination and election are to be filed? A. Yes.

Q. Have you any figures showing what those were? A. I have gathered up some figures for the benefit of this Committee, just before I came down for our June primary of 1909; that is, the primaries for county officers.

WILLIAM H. COLEMAN, *Clerk of Courts, Office of the Clerk of Courts of Allegheny County, Pittsburg, Pa.:*

All terms of office three years.

JUNE PRIMARIES, 1909 — COUNTY OFFICES.

NAME AND OFFICE.	Expense.	Salary.
Mackrell, Sheriff	\$443 00	\$8,000
Bruff, Sheriff	13,512 08	8,000
Blakeley, District Attorney	538 54	10,000
Jamison, Coroner	516 48	5,000

JANUARY PRIMARIES, 1909 — CITY OFFICES.

NAME AND OFFICE.	Expense.	Salary.
Magee, Mayor	\$18,282 07	.....
Steele, Mayor	32,009 45	.....

MARCH PRIMARIES, 1908 — COUNTY OFFICES.

NAME AND OFFICE.	Expense.	Salary.
Coleman, Clerk of Courts	\$3,021 61	\$6,000
Dodds, Clerk of Courts	2,009 60	6,000
Reed, Clerk of Courts	333 50	6,000
Campbell, Commissioner	600 00	6,000
O'Neil, Commissioner	3,727 75	6,000
Brand, Commissioner	3,551 50	6,000
Kopp, Commissioner	3,057 33	6,000

NAME OF OFFICE.	Expense.	Salary.
Brice, Commissioner	\$1,529 84	\$6,000
Toole, Commissioner	1,194 13	6,000
Fairman, Recorder	600 00	6,000
Swan, Recorder	1,954 25	6,000
Cunningham, Controller	3,859 87	6,000
Booth, Controller	4,141 57	6,000
Stone, Register	5,787 36	4,000, Fees
Edwards, Register	2,831 62	4,000, Fees
Kirker, Prothonoter	600 00	6,000

MARCH PRIMARIES, 1908 — COUNTY OFFICES.

C. W. Kiser, Allegheny Co., Rep., Ex-Com.	\$38,087 29
John B. Barbour, Jr., Treas. Reg. Rep. Home Rule	28,870 00
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W. H. STEVENSON.

By Judge KNAPP:

Q. What is your occupation, Mr. Stevenson? A. I am a merchant here in Pittsburg.

Q. And have you any political position? A. No; not at the present time.

Q. What is your political affiliation? A. Why, Independent Republican.

Q. And as such do you participate in the primaries? A. Yes, sir.

Q. And as an Independent Republican you claim the right to vote the Republican primary ticket? A. Yes, sir.

Q. Now, as I understand the law, unless you have voted for a majority of the candidates at a previous election, if challenged, you would have no right to participate in the — A. Yes; that is my understanding of the law.

Q. And if you have voted, for instance, at the Presidential election, where there are a number of Presidential electors, but have at other times voted for Democratic or independent candidates, you would be qualified, possibly, to vote the Republican primary ticket

only on the vote of the Presidential electors? A. Yes; there has been some difference of opinion about that, but I have proceeded that way.

Q. Is that the general interpretation? A. I think so, that is the general interpretation.

Q. So that in years following the Presidential election the independent element gets a larger participation in a Republican primary than it did before? A. I think so.

Q. Under the law? A. That would naturally follow from that interpretation of the law.

Q. And then 1909, is the year following the Presidential election? A. Yes, Presidential election.

Q. What benefits have you observed, Mr. Stevenson, have come from the adoption of this direct primary system to the body politic and the administration of public affairs? A. Well, my opinion is the direct primary, if it is surrounded and conducted under the laws that govern the general election law, I think the general election is a great step in advance, no question about it; and I think a citizen has a better opportunity to come before the people; and it permits of a delegate entering that election and without consulting any clique or boss or any organization, it gives — it is practically an open primary, under certain conditions.

Q. Well, the object of any system of nomination is to secure the best man for the place desired, is that so? A. Yes, naturally so; yes.

Q. And the object is not to give generally to everybody an opportunity to be a candidate; that is not the ultimate object of any law is it? A. No, it is not, but under certain regulations a man can, if he has a certain number, as I understand it, a certain number of signatures, he has that opportunity under that law. As I understand it, you can write the name of a man in — is that right, if you know it?

Q. Yes. A. So that it practically opens that wide open.

Q. Do you think that the system secures better candidates for offices than the delegate and convention system, if that is properly safeguarded so as to get the honest fair vote and the honest count? A. I think so. I am very strongly in favor of direct elections by the people for all offices.

Q. For all offices? A. For all offices.

Q. You mean administrative offices as well as political offices?

A. Well, I might modify that just a whit.— political offices. I would not make it quite so broad as that.

Q. In the conduct of your business, for instance, with your clerks and bookkeepers and cashier and so forth, would you think you could secure better and more competent help along those lines by a vote of all your employees, or by the selection according to your own judgment? A. Well, now, that is assuming that you have got along political lines parallel conditions as to business lines, which I don't think you have.

Q. Well, assuming that a State, for instance, is nothing but a large business corporation? A. Yes.

Q. Which should be conducted on honest upright business lines. Now, the method that would secure the most competent men to manage the affairs of a business, what do you say as to whether that is not the most desirable method, what ever it may be? A. Well, you know, on the broad principle that the people do what is right, I would leave it to the people and naturally you would imagine you would get the best results from an open election for even administrative offices.

Q. Is that the fact, that the majority of the people are ordinarily right? A. No. I could illustrate that very plainly from a case in my own district where our election papers, where our primary papers were placed — a man was put on the ballot that did not live in the district; did not live in Pittsburg, a fictitious name, he received the votes.

Q. Well, did he get elected? A. No, he did not, because it shows that people will vote, you know, for a man even if he did not exist, so that sometimes the people really are not posted, and did not take interest in this case enough to become posted on a man who was actually running for an office.

Q. Along this line, I merely want to call your attention to the Republican primary ballot for this last June, in 1909 for the office of jury commissioner (showing witness ballot). I find that there were 50,452 votes cast for eight candidates for commissioner with one to be nominated and that the successful candidate, Bart Fleming, secured 17,622, and his opponents 30,840 votes;

and under this law, as we understand it, Fleming was the nominee of the Republican party. Is that an expression of the majority will? A. No, it is not.

Q. Of the Republican voters? A. It is not.

Q. What do you say as to this plurality system as to whether it is defective in principle in the election of candidates where there is a large number? A. I think it is somewhat defective; but how can you remedy that in a Republican form of government unless that is so?

Q. Unless it is through a delegate and convention system? A. That is so, but that has been apparently very unsatisfactory.

Q. Well, is your view, Mr. Stevenson, based upon the irregularities under the former system as compared with the conduct of the present system here? A. I think I would say yes with the abuse of the other system.

Q. Assume that the former system was surrounded with the safeguards of legislation, that the primary is conducted substantially as now, in the selection of delegates and the election officers who were elected, records have to be made and proper legislation to safeguard such primary and make it honest, what would you say as to the selection of candidates by delegates chosen by such a method, the majority selecting the candidates, as to the probabilities of their selecting good men? A. Well, the old method — it takes a very vivid imagination to even dream that that could be made honest because delegations were handled, money being used and sometimes the men — the most incompetent men selected by the men who were in convention; and it seems to me on a broad principle you take it further away from the people and that — in connection with the primary ballot we have what we do not have here, the initiative and referendum. I imagine you would get direct from the people and the best men would be selected by a general vote of the people.

Q. Then you are in favor of the initiative and the referendum? A. Strongly, and the recall.

Q. And recall? A. Yes, sir.

Q. And you would be in favor of carrying it a little further; that is, the enactment of laws practically by the people themselves rather than by representative? A. Well, we suffer so much here

by laws the Legislature has passed, restricting our government in Pittsburg, that I imagine that probably we would have more latitude with a government ourselves and better advantage rather than by getting laws passed in the Legislature.

Q. You think that the city of Pittsburg, for instance, ought not to be controlled by the Legislature at Harrisburg? A. I would not like to say that; that is a very broad statement, but I think that they are certainly handicapped and restricted. We have a million people here that are so tied down with laws that we can hardly move one way or the other without considering the Legislature and the acts of Assembly that have been passed restricting —

Q. In what respects do you mean? A. Well, I had in view the position of this city — you are coming at me very suddenly to-day and I have never —

Q. We are under obligations to you? A. I would like to have a little time to think up. I just can't recall a specific case, but it seemed to me in my experience in the councils in the five years that we were continually referring to and considering the acts of the Assembly which restricted our freedom here. And I believe in the general principles that the people could govern themselves better than any other form.

Q. Then you really do not believe in a representative democracy but in a pure democracy? A. Yes, I do; in a pure democracy.

Q. We never have had that in this country; Mr. Stevenson, you think it wise to consider it, do you? A. Why, that is a little extreme. It may be a happy medium there. I think this direct primary is along that line. I believe that it will — of course, it is new there, they have had it two —

Q. The direct primary? A. We have had it —

Q. They have had this direct primary for three years? A. And I think that the improvement in the morale of the office holders has been felt in the three years. I think things are improving here in Pittsburg.

Q. Do you think that it is a good thing under this law for a member of one party to participate in the nomination of the candidate of another party, political party? A. No, I do not.

Q. Or for a person nominated or whose nomination papers are

filed in one party to withdraw for the purpose of accepting the nomination to office by another party? A. Repeat that.

Q. Would you justify a condition like this: A candidate named by one party and nomination papers filed, withdrawing for the purpose of accepting an office or nomination of another party under this system? A. If a man files his papers in good faith with one party and previous to the primary withdraws his papers and files it —

Q. And files them in another party? A. That would have to be qualified; I couldn't answer that question. I don't think that I could answer that.

Q. It may be done under this system, may it not? A. Yes, it may be done.

Q. It has been done? A. Yes, it has been done.

By Assemblyman SCOTT:

Q. Don't you think that the people at large are more susceptible to the appeals to prejudice and passion than a limited number of representatives; in other words that you could rouse feeling among the voters in a rural district easier than you could among the representatives in Assembly, and sectional feeling? A. Yes, but they are not subject to the same corruption. They are not subject to the people at large.

Q. A member of the Legislature always has to resent that in self defense? (Laughter.) A. Well, I've been in the councils myself, you know, and I feel free to speak to you gentlemen on the same line.

By Assemblyman HOWARD:

Q. Now let me ask you this: If under a convention system safeguarded as nearly as possible by statutes the delegates were elected by the people in an election district to a convention of a larger political subdivision, and the voters at that caucus or primary instructed those delegates and the certificate of election as a delegate contained the instruction, if it were for a particular man for a particular office, making it a penal offense for a delegate to violate those instructions as contained in the certificate, or making it obligatory upon the secretary of that convention to cast

the vote of that delegate in accordance with those instructions, would not a good deal of the difficulty of purchasing, as has been intimated, of delegates, corrupting delegates, be obviated?

A. Yes, no question of that; but how could you. That might do on the first ballots; but not having enough delegates, for instance, to elect on the first ballot, what latitude do you give a delegate?

Q. That they would be bound by those instructions until the persons that they were given for should withdraw. Then, of course, unless there were further — A. Yes, that would do if you are right; then I agree with your —

Judge KNAPP: The Assemblyman, I think, meant to state not simply where they were interested.

By Assemblyman HOWARD:

Q. Where they were directed? A. Yes.

Q. Cannot a body of representative men select and distribute better over a large political subdivision candidates for office so as to bring the greatest amount of strength to the ticket than the general electors from the same division can do it, voting direct for the offices? A. I couldn't agree with you on —

Q. Now, let me tell you an instance where there were eight State officers to be nominated; wouldn't it be possible for a convention to so locate, everything else being equal so far as the candidates were concerned, ability and fitness, to distribute that ballot over the State of Pennsylvania in such a manner as to bring greater strength to the ticket of the party that it represented, than the electors could do it voting individually for those State offices? A. Well, I don't think I would agree with you on that.

Q. How would the electors of the State of Pennsylvania be advised as to the man that they should support for a particular office in the State of Pennsylvania in order to have the eastern, western and central and the northern and southern parts of the State represented on that ticket? A. You are speaking now, for instance, in what kind of an election?

Q. State election? A. In a State election? That is what I say —

Q. You think they express that opinion that it ought to be good upon it? A. Yes.

By Assemblyman SCOTT:

Q. So as to have one candidate east, west and south and center, so as to arouse a general interest in the ticket? A. Why, you mean distribute those offices geographically, is that it?

By Assemblyman HOWARD:

Q. Geographically, yes? In other words, if the whole State ticket of the State of Pennsylvania was in Allegheny county the rest of the State would lose interest, would it not? A. Yes, but Allegheny county could not possibly nominate the full State ticket.

Q. Might not Philadelphia — Philadelphia candidates, possibly? A. I don't think so; that is really extreme.

Q. Well, take the two counties together, if you please? A. Yes.

Q. Allegheny county and Philadelphia county? A. Yes, that might be done by such a combination.

Q. Might they not monopolize the whole State ticket? A. Yes, sir, generally do. (Laughter.)

Q. They generally do? A. That could be done, I imagine.

Q. Well, would that work for the interest, generally speaking, either of a party or of a commonwealth? A. Well, I can't see that you could remedy that. Even if you had the delegate system and distributed these offices; for instance, you have the Governor and the Treasurer and the Attorney General and the other State officers — now your wish is for the organization to distribute those offices in the various sections of the State; is that the idea?

Q. Yes. That the convention will? A. That the convention do that and then the people vote on the delegates and elect them?

Q. Yes? A. Of course this direct voting on the State-wide proposition is more or less of an experiment. But my opinion is it would be worth trying. I think that we should get the people that will bring — the leaders naturally come out and the men of the day are so thoroughly brought forward and the men supporting them that there are men all over the State who are familiar with the leaders in the various cities — and I think that they are elected, that in some of the western states, I believe — I am not certain about that, I think in Michigan, they have said that they had primaries, and as I understood, it was very successful.

Q. Now, let me ask you this: The direct primaries would accomplish all the results the people are seeking and the good government desired, would secure these results, if every man, every elector, I will put it, within a given political subdivision was equally interested, equally intelligent and equally qualified to pass upon the questions at issue? A. Yes.

Q. Now, so long as we have, I believe, a varied electorate, some of whom are absolutely, from the standpoint of an intelligent man, disqualified from passing upon questions of interest to the community or a State, is it possible to secure much better result with that class of voters under one system than the other, if you can safeguard both methods from corruption and fraud? A. No, I think you can safeguard — I will modify my view of that under your hypothetical question because we have not had it — I will modify my view, that if you could safeguard the delegate system from corruption and influence that you probably could get better results than you could in a general way from these incompetent voters that we have here because we have — you know where a manufacturing district like Pittsburg, every fourth man that you meet on Fifth avenue or Wood street or Smithfield street is a foreigner. So that is what we have actually, we have tabulated that here, and it is an actual fact, you walk down the street here and every fourth man that you meet is a foreigner, and it takes him a long time to understand, and he don't understand, many times, the value of the franchise, what he is voting for.

Q. Now, Mr. Stevenson, it is a fact, isn't it, that better men are nominated for office and better administration of office is secured in places usually where the political balance is very nearly even; in other words, the political parties are on their spurs to nominate good men in order to win? A. I think you will find that result where there is an independent party that holds the balance of power.

Q. Holds the balance of power? A. Yes.

Q. You don't mean the Independent party; you mean the independent voter? A. The independent voter.

Q. Who express this through the direct primary? A. Yes, the direct primary.

Q. Now is it your judgment that the present system in vogue

here, or a system of the same nature, increases or decreases the minority power in a community or the minority party power?

A. You mean the direct primary?

Q. Yes, has it any effect upon the minority party? A. It has, if the laws surrounding the primary are not strictly adhered to, as to who should have the privilege of voting.

Q. Yes. A. I have seen a minority party almost wiped out here in a primary.

Q. Then with that in view, the fact that a minority party is almost wiped out, and with a strong political organization in the majority party, doesn't it give you more confidence to remove from them the necessity of supporting themselves good men, more than it would than if they were nearly evenly balanced; I mean nominating; I am speaking of the nomination only, now? A. Well, I don't know; I hardly think so; I don't think that would follow. If the same safeguards surrounded the primary, that is, as to a man's qualifications to vote at that primary — for instance, a well-known Democrat, a pronounced Democrat, a professed Democrat, to come up and ask for a Republican ballot, and if the election board is favorable they will give it to him without asking any questions. He should not be entitled to vote at that primary if he voted a Republican ballot at the primary in the year 1908.

Q. Well, then, isn't it the duty of some person seeking the nomination to see that he is challenged? A. Yes, it is.

Q. Under your statute as it is now it is not incumbent upon the primary officers to do the challenging themselves, is it? A. I believe —

Q. But you will assume that as a primary officer that a man would like to assume the responsibility of questioning the ordinary man's motive? A. Yes, that is true. But to challenge voters at a primary is a very expensive proposition. It makes the primary more expensive than an election, because of the large number necessary. It is almost impossible to man the polls for a primary; and to man the polls for that, an election, I would say, that is almost bankruptcy.

Q. Now let me ask you a question on another line: Have you observed under the system where parties hold their primaries at different times that in the event of the majority party making a

particularly bad nomination, the nomination of an unfit or improper person, that the minority party used great care in selecting a good man in the hope of defeating the man nominated by the majority party? A. I have seen that, yes.

Q. Now, the present system of the joint or uniform primary prevents, does it not, the minority party from selecting a man for office under those conditions? A. Yes, it does, but if you have time you would have the law, if you had time to file papers, nomination papers; an independent candidate could be put in such a position in two hours, and it would be possible to elect a man if both candidates — I mean, if both candidates were not acceptable the voter, as I understand it, always has an opportunity not only to protest but to nominate under nomination papers.

Q. Isn't it a fact that the independent man with two regular party nominations stands a good less show or opportunity of defeating the party candidate or the party nominee than he would if a proper man were nominated on one of the regular tickets and the contest was simply between two men? A. Yes, he can — but the first statement you made was of two party candidates.

Q. No, the majority party name a bad man? A. Yes.

Q. And the minority party should name a good man? A. Yes.

Q. Now, the point I was getting at is this, Mr. Stevenson — it has been my observation that where primaries were held separately on different dates, even in a case where the minority party was hopelessly in the minority, if the Republican party or the dominant party — I say "Republican" because under my observation it has been the Republican party? A. Yes.

Q. If the dominant party nominated a really bad man, the Democrats could then get a much better man to stand for the nomination, because he had some hopes of election? A. Yes.

Q. Now, under this system the minority party is deprived of the willingness of the really good men to step in and take a nomination until — because he don't know who his opponent is going to be? A. Very often the case; yes. Now, you see that that is not possible under the uniform primary.

Q. There is no way to determine? A. No way to determine, because they are all held by both parties on the same day at the primary. Yes, sure.

Q. Until after the vote is seen by the inspectors and canvassed there is no way? A. Yes, that's right.

Q. As matter of fact then, if you have filed your independent nomination papers you have scattered the vote, have you not?

A. Yes.

Q. So as to make it harder to defeat the party candidate? A. Oh, yes; yes you have —

Q. Especially where the organizations are strong? A. It is a personal matter but still the voter has that petition, he has the opportunity, anyhow, if he don't want to vote for either of the other two party candidates.

By Assemblyman SCOTT:

Q. Has it done him much good? A. Didn't do him much good, that is true. Sometimes the minority party gets strong enough in the next election and there is a disposition shown to put better men up if the developments of the previous election would warrant that action. And I think possibly that in some community better men have been selected.

By Mr. HOWARD:

Q. What is your observation as to the effect where a minority party is affected unfavorably by legislation? As to the effect it has on the young men coming in as first voters; hasn't it the tendency to cause them to go into the majority party? A. Yes.

Q. Where the minority party is growing weaker? A. Yes. I think so; although I believe a number of independent voters is increasing because I think that the rising generation are not tied down by the old arguments of their forefathers and also that they do reading more so than they did, and the young men are becoming more interested in these political subjects. I think that is the case where —

By Judge KNAPP:

Q. Is it your view that offices are for the people or aspirants as prizes where everybody should have a right, or are they mainly merely public prizes — ? A. Public prizes and they should be —

Q. For the purpose of administering in the best manner? A.

For the interests of the people and not the men. He generally seeks the office; the office is as I say, not seeking the man.

Q. And any method which will secure the most efficient and capable? A. And honest administration.

Q. And honest administration, is the best? A. In the people's interests.

Q. In your judgment, regardless of the privilege of every individual to enter into such contests for it? A. I believe so; yes. Anything that will surround these election laws in such a way that we can get efficient and honest men to conduct the business of the city and State for the interests of the whole people, why that is what we want. How can we get it?

Q. Of course, that is what we are trying to find out. One statement you made is that the minority is practically wiped out at the primaries. Do you mean that they did not vote or that they voted —? A. They voted on the Republican ticket.

Q. Is that good? A. I think that is a very unhealthy condition of affairs there.

Q. You think that ought to be prohibited? A. I think that the primaries should be so surrounded that a man who has convictions, political convictions should be compelled to stand by those convictions when the time comes.

Q. And only members of the party be permitted to vote the party ticket at the primaries; is that it? A. Yes; if, for instance, if he would ally himself with the independent party I do not think a man who has the intention of voting for an independent candidate previous to a primary should go into that primary, and, if he voted in favor of a man nominated by the dominant party, a man that he could not conscientiously vote for, I do not think his franchise should be taken away; he should have an opportunity to side with the man he would vote for even if it —

By Assemblyman CONKLIN:

Q. You don't think it should be binding either on the candidate or the voter who participated in a primary to support at the general election the candidate chosen at that primary? A. Well, he may not have voted for that man at the —

Q. Well, if he — ? A. Suppose he voted for a man at the

primary who did not receive a majority of the votes, would he be bound then to vote for the man who did get the majority.

Q. I mean just this: Suppose A. and B. are candidates for the nomination at a primary and John Doe comes in and supports B., and A. is nominated; is John Doe, who supported B., in any sense in honor bound to support A. at the general election? A. No, I don't think so. If he voted for him I should think he is in honor bound to vote for him at the general election.

Q. And even though it be a member of his party and he had participated in the party primary he is not to be considered as bound to support the party candidate at the election? A. Not in that respect because I don't believe I would. I think a man should exercise his own judgment as to the qualifications of a man.

By Judge KNAPP:

Q. Your idea is that the independents, not members of either party should not participate in the party caucus of another party, if that is correct, then independents are practically barred from participating in these caucuses, unless — ? A. Unless qualified, or, if they have the intention of placing a man in the field; for instance, if it is their intention to place a candidate in the field for a certain office and it was their avowed intention they would not participate in the primaries; but if no such plan has been determined on and the citizens were willing to wait and invite the decision of the people and if a good man was nominated they would have the opportunity to participate in the primary election and they abide by that decision.

Judge KNAPP: I wish to file this paper which contains the list of candidates.

EIGHTH SESSION — August 16, 1909.

TOPEKA, KANSAS, *August 16, 1909.*

By Judge KNAPP: I want to present the Primary Election Law — will present only the amendment — of the State of Kansas which was made last winter. The law was passed in 1908. (Primary Law, Mark No. 1.)

Now, I want to present pages 125 and 126 of the Sixteenth Biennial Report of the Secretary of State of the State of Kansas, made to the Governor December 15, 1908. This table shows the cost and vote of the primary election, August 4, 1908, as compared with the vote at the general election of November 3, 1908, together with the population, assessed value of all property, and amount of State tax for 1908. Just two or three summaries. You can mark to the right of there (Mark No. 2).

The counties of Crawford, Jewell, Lynn and Morton not included.

The total cost of conducting that primary in the State, with the exception of the counties enumerated, was \$103,545.68. The total vote cast at the primaries was 169,634; that is, cast for Governor.

The total vote cast for Governor by all parties at the general election, November 3, 1908, was 374,705.

The population of the State March 1, 1908, as shown by the report of the Board of Agriculture, was 1,656,799.

The total tax for State purposes was \$2,203,561.18.

I call attention to just two or three counties. Wichita county, the cost of the primary was \$410.56. The number of voters participating was 291. In Stanton county, the cost of the primary was \$333.03. The number of voters participating was 132. They are probably extreme cases. In Olcott county the cost of the primary was \$107.20; the vote was 511 at the primary.

I think you can just take — we won't keep that book.

Now, I wish to put in evidence as part of the record the official primary tickets used on August 4, 1908, in Wyandotte county, which is the county of Kansas City. First, the Republican (Mark No. 3); second the Democratic (Mark No. 4); third, the Socialist (Mark No. 5); and fourth, the Prohibition party (Mark No. 6). And next, the general official ballot of the fourth precinct of the first ward of Kansas City (Mark No. 7.)

Upon these primary ballots are the number of votes for candidates which have been furnished me by the county clerk at Kansas City.

I also wish to present as part of the record the official primary ticket of the city election of Kansas City, Kan., of the Republican

party. This was the primary of March 2, 1909. Of the Democratic party of the same city, the official city ballot of the twenty-fourth precinct of the fifth ward (Ballots marked 8, 9 and 10). Upon these tickets are also placed by the city clerk of Kansas City, at my request, the vote for each of the candidates for office. There were two candidates for mayor on the Republican ticket; both received 5,405. Mr. Carr received the larger number, 3,381, and was nominated and subsequently elected.

For city attorney there were four candidates who received altogether, 4,697 votes. W. L. Winrod received 1,570 and his opponents 3,127. There were five candidates for marshal of the city court. Mr. P. J. Cochran received 831; his opponents, 2,061; the total number cast being 2,892.

I call the attention of the Committee simply to this fact, that the largest number of primary votes was for mayor, 5,405; the number gradually being reduced as you go down the line of candidates, showing that more people were interested in the —

Assemblyman CONKLIN: What was the smallest vote?

Judge KNAPP: The smallest vote was 1,537. That is for two candidates.

Assemblyman CONKLIN: For what office was that?

Judge KNAPP: That was for councilman of the third ward.

Assemblyman CONKLIN: Well, I mean for the general State ticket.

Judge KNAPP: Well, this statement is only for the fourteenth precinct of the third ward. Of course the same vote is for mayor in that ward.

Assemblyman CONKLIN: Yes.

Judge KNAPP: These are the official figures given by the clerk.

Assemblyman FAY: Those are from Kansas City, Kansas?

Judge KNAPP: This is Kansas City, Kansas — from the county clerk's office — the county office. These are State officers alone. I will state when we get a little more in detail that there is one general primary in August once in two years in this State. In cities of 5,000 or more inhabitants there is an annual primary in March, so that in those cities there will be two primaries every other year; one primary every year in March, and two primaries every other year — one in March and one in August.

Assemblyman CONKLIN: How many general elections? One general election?

Judge KNAPP: A general election in the fall; city elections in the spring. There is a general election held once in two years.

C. C. HOWES.

By Judge KNAPP:

Q. You are the personal representative of the *Kansas City Star* in this city? A. Yes.

Q. Mr. Howes, in your capacity as the representative of the *Kansas City Star* was there furnished to your paper statements from the last primary of the cost to the candidates or of certain candidates of conducting their election? A. Yes, sir.

Q. And can you state by whom those statements were furnished? A. Well, the one from Governor Stubbs was furnished by his personal representative, J. M. Tobey.

Q. He is the present speaker of the House and Bank Commissioner? A. Bank Commissioner, yes. The one from Mr. Lamont was furnished by Mr. Lamont himself, and the one from Senator Long was furnished by his private secretary, Ralph Faxon, and his manager, Morton Elbaugh, who is clerk of the United States District Court here.

Q. Mr. Stubbs was the successful candidate for the nomination and subsequently elected? A. Yes, sir. And then there was a statement of Mr. Bristow, sent to us by Mr. Bristow himself from Salina.

Q. And Mr. Long was one of the candidates for the United States Senate? A. Yes, he was the defeated candidate.

Q. Against Bristow? A. Yes.

Q. Did you state you had Bristow's statement also here? A. Yes, it came by mail from Salina.

Q. So that so far as your information goes the statements which were furnished to you came from authentic sources and are presumed to be correct? A. Yes, yes.

Q. And these statements were published, were they? A. Yes.

Q. That is, the substance of them? A. Yes.

Q. Now, I will just state the summary or the amount. Now, if you will just state to the stenographer the expenses of each one

as furnished to you — each one separately. A. Senator Long, from April 1 until the time of the primary, August 4th — just the totals — \$6,523.70.

By Assemblyman FAY:

Q. For United States Senator? A. Yes, he was United States Senator. Was defeated in the primary. Cyrus Lamont, candidate for governor, \$6,120; he was the defeated candidate for governor. Stubbs, the successful candidate, \$3,713. And Bristow, the successful candidate for Senator, \$3,524.28.

Q. Does that cover them all? A. Yes, that covers the four chief candidates on which there was a real fight. They had got out and made an active campaign.

Q. I will ask you if the statement is made in these communications as to who paid these expenses; whether the parties themselves or other people? A. Well, yes. Senator Long says that his expenses were all made up from his friends over the State and his own contributions, chiefly made by his own friends. Governor Stubbs paid all of his own expenses, or at least he claims that he paid them all. He had some workers in his office that worked for nothing because they expected to get some job afterward; and then he had one or two salaried employees that — he had them employed at his office in Lawrence, and then he sent them down here to help in the mails and do that work, and he paid all their expenses, and he had them doing other work besides, just running his campaign. Senator Bristow says that he paid all of his expenses except ten dollars that a friend of his sent him. And Mr. Lamont claims that he paid all of his expenses, every cent.

Q. From those statements are you able to state in general what the money was expended for? A. Well, chiefly for postage. That was the largest item in all of the expenses; that made up about half of the total expenses — for postage and sending out circulars. Then, possibly, a quarter of the total expense was for printing these circulars, and the rest was for traveling expenses and office help, making up mailing lists and sending out the work, and sending out letters and circulars and advertising matter. And some of the newspapers used a great deal of advertising space. They simply went out and paid for a half page or a quarter of a page, and paid for it just like the general advertising.

Q. Was that practiced during this campaign for the nomination? A. Oh, yes.

Q. The payment of newspapers for advertising? A. Yes, practiced more then than in the general election; it was quite general all throughout the State.

By Chairman MEADE:

Q. Candidates would buy a whole page or a half a page or a quarter of a page? A. Yes, yes. Go out and they would buy, some of them, some of the Topeka papers had full pages; and some of them got out just before the primary, on the Sunday before the primary, got out supplements containing nothing but advertisements of candidates, and then a little news item about who they were —

Q. Paid advertisements, were they? A. Yes, sir, all paid advertisements.

By Assemblyman FAY:

Q. Special news? A. Yes. Well, all advertisements were paid for by the individuals and then the paper gave such a little news item as a sort of bonus, you might say; just like they do in theatrical advertising.

By Judge KNAPP:

Q. So that really the support of the paper was obtained by the contributions or payments of the candidates themselves? A. No, I do not think you could say that, because the Democrats and Republicans — and there were two factions of the Republicans — each one of them advertising in the paper — that is, the Topeka *Capital* here, was a strong supporter of Stubbs, personally. It was making a fight against Lamont and still it accepted and published advertisements for Lamont for governor and it did, too, for Long.

Q. Making favorable comments on Lamont as a bonus? A. No.

Q. Didn't give him any little bonus? A. It gave a little bonus in there but it was not an editorial — it was not an editorial favoring the — it just simply said who he was, how long he had been in

the State and what offices he had held, and where he lived and worked.

Q. How much money he received for the offices, and so on?

A. Well, something of that — those bonuses were all written alike, even for Stubbs. There was no favoritism in this bonus advertising, as you might say; there was no favoritism for Stubbs there, but they supported him strong in their editorial columns.

Q. So it was the custom in this campaign for newspapers to take part in the primary nominations and support one candidate or another? A. Yes.

Q. The Democratic newspapers took part in supporting Republican candidates, did they? A. They published Republican candidates' advertisements.

Q. Well, but did they urge the nomination of some one Republican against others? A. In some instances; oh, yes. In some instances they urged Democrats to vote for Republicans in the primary, because they thought it was of more interest to them or to other people to have a strong Republican because the Democrat was weak; or that they wanted a weak Republican where they had a strong Democratic candidate opposing him, or who would oppose him in the election.

Q. That is, you mean to say, then, that there was some effort made through newspapers looking toward the nomination of weak Republican candidates for the purpose of beating him at the polls? A. Yes, yes.

Q. And that was urged by Democratic papers? A. Yes.

Q. And urged Democratic voters to vote in the Republican primaries for that purpose? A. Yes, and I judge from the returns that there was quite a good deal of that in some counties.

Q. That is, the returns indicated that Democrats participated in Republican primaries? A. Yes.

Q. To quite a considerable extent? A. Yes.

Q. Is that their claim generally? A. No, some of the defeated candidates made a general sweeping claim and they didn't have anything to indicate it all over the State; but that only appeared in some counties.

Q. The defeated candidates claimed it and the nominated candidates denied it? A. Denied it, yes. And others would get

out and dig up some figures where it shows a higher Republican vote in the primary than the whole Republican vote was in the election, which would indicate that some Democrats had voted the Republican primary ticket.

Q. Likewise that those figures show all over the Democratic vote in the primary — than was shown in the election, on the general election throughout the state? A. The Democratic figures showed a considerable loss — either that the Democrats did not take any interest in the campaign, did not go to the polls or that they voted generally the Republican primary ticket.

By Assemblyman FAY:

Q. Has it ever been known where Republicans voted for the Democratic ticket? A. There were a few instances where I noticed in the country papers, where a few things like that showed up.

Q. But you say rarely or very seldom it happened? A. Oh, yes, very seldom.

By Judge KNAPP:

Q. Well, the Republican party was the dominant party here? A. Oh, yes. There really was not very much of a campaign in the Democratic party. There were two candidates for Governor but they didn't make much of a fight, and it was really a Republican scrap all the way through.

Q. Have you observed anything as a result of that "scrap?" As to whether it stirred up factional differences and bitterness in that way? A. Yes, it did a great deal.

Q. And that has continued since that time? A. Yes, it has continued all through the campaign in the general election and since; it is even going on now.

Q. The actual result of that, the effect of it upon party politics cannot, I suppose, be determined until subsequent elections and primaries? A. Well, likely not. No, but the figures on the general election show that Mr. Stubbs, who was the head of one faction, received between 4,000 and 5,000 less votes than other candidates on the Republican ticket. It would indicate a considerable factional feeling against Stubbs.

Q. That is, he did not receive as many votes as the national ticket did, is that what you mean? A. He did not receive as many votes as the national ticket did, nor as many as some other candidates on the State ticket.

By Chairman MEADE:

Q. Of a lesser degree? A. Yes, of a lesser degree.

By Judge KNAPP:

Q. Did you notice anything in the working of this primary act as to whether the man who was at the head of a list of candidates where there were a number of candidates received the larger number of votes in many instances? A. Yes. That was evident in nearly every case where there were several candidates.

Q. And at the last session of the Legislature, I understand, an effort was made to correct that? A. Yes, sir.

Q. And a law was passed amending the present election law by which there is an alternating system? A. Yes, sir.

Q. Will you state just what that is? A. Well, they take in a precinct, they will start — say there are five candidates; they will begin with the one a, b, c, d and e — they will run those five in that precinct. Then they will divide the precincts as near even as possible and in the next precinct — then the man whose name begins with "B" stands at the head of the list and "A" goes to the bottom, and so on, alternating, so that there is about the same number of votes, or intended to be about the same number of votes, for each candidate who will have his chance.

Q. Well, if the number of candidates be multiplied by four or five, as in some cases we have found twenty-five or thirty candidates for a single office, would that system work out — A. Well —

Q. According to the fixed rule of the amendment, so as to give every man a fair chance? A. I think that would only appear in purely local campaigns; I doubt whether it would appear in the State, and it don't seem to me that it would help them out any in a county. In the State campaign generally there are only — there never have been more than three candidates throughout the State for any one job. But there might be in the larger cities;

there might be twenty-five or thirty candidates for one place. Then to work it out there would have to be a large number of precincts — you would divide it and run it in groups. They have made no provision for that — for a larger — in the law.

Q. What I was getting at was this fixed rule, you say — if you increase the number of your candidates, why it is pretty hard to make them so in every county, as suggested by the witness. There are not precincts enough to —

By Chairman MEADE:

Q. And it would simply make a smaller number at the head?

By Judge KNAPP:

Q. A man, for instance, at the bottom would never get at the top if there were so many candidates? A. If there were so many candidates, unless the precinct —

Chairman MEADE: That is the number —

The WITNESS: Let me take it in this county where there might be seventy-nine precincts; well, if there were twenty-five candidates he might get around up at the top in there. The man at the bottom might work around and get up at the top three different times. But if there were only, like many counties where there are only ten or twelve precincts, it is possible that there might be fifteen or twenty candidates, why then he would have a hard time to get to the top. It would be impossible for his name to appear at the top.

By Judge KNAPP:

Q. How long have you been connected with this business, Mr. Howes? A. Nine years.

Q. And have you been, during that period of time, closely identified with the legislation here? A. No, only four years.

Q. Four years. And your duties have kept you here during the session, etc., of the Legislature? A. Yes.

Q. And you have kept close track of the political end of the administration? A. Yes, sir. For four years I have not done anything else except watch politics and legislation.

Q. Now, what is the total length of this State in miles? A. A few miles over 400.

Q. And its breadth? A. A few miles over 200.

Q. About where is the center of population? A. About Manhattan.

Q. Where is that? A. It is about forty miles west of Topeka.

Q. And Topeka is sixty-six miles west of Kansas City?
A. Yes.

Q. So that the center of population is about 100 miles from the east line and 300 miles from the west line? A. Yes.

Q. The western part of the State being very sparsely settled?
A. Oh, yes, a great deal of it, where there are miles you can go without seeing a house.

Q. The largest city is Kansas City, Kansas? A. Yes, sir.

Q. About 100,000? A. Just about that.

Q. Just give us about four or five of these cities and their population? A. Well, Topeka has about 43,000. Wichita — there is a new tabulation of figures on there which gives it about 5,000 or 2,000, I have forgotten just exactly the figures on that. Coffeyville — about 2,200 or 3,000. Those are about the four.

Q. How about Leavenworth? A. Leavenworth? It is not any more than Coffeyville, I think.

By Assemblyman FAY:

Q. Atchison? A. Atchison only has about 15,000 or 16,000.

By Judge KNAPP:

Q. The total population has been given here at a million?
A. About 1,600,000. Something like that.

Q. Yes, about 1,600,000, as shown by the report of the board of agriculture. Coburn has some new tabulation? A. Yes. Well, Coburn has some new tabulations — some new figures — just out this year, that are considerably different from those.

Q. This was March 1st, 1908? A. Well, they have one March 1st, 1909, just out.

Q. I wonder if you can get that? A. Yes, I will get that and bring it up to you.

Q. Let's see, Kansas has a prohibition law? A. Yes, it is a constitutional amendment.

Q. It has a bank guarantee law, also, has it? A. Yes, sir.

Q. When was that adopted? A. The Legislature of last year — the Legislature of 1909.

Q. Was that a plank of the Republican State platform? A. Yes, sir.

Q. And of the Democratic State platform? A. Yes, sir. There was some difference in the two, in the kinds of guarantee that the two parties wanted.

Q. And one was adopted? A. Yes.

Q. Do the National banks participate in that? A. No.

Q. So that the State law, then, discriminates in that respect against the National banks, does it? A. Well, it was not intended to, but the Comptroller of the Currency refused to allow the National banks to come in and participate.

Q. And they are seeking to have a bank deposit insurance company? A. Insurance company.

Q. That, I understand, is attacked in the State, legally, I mean? A. Well, no; there is a suit in the courts but it is more to establish the status of the company than it is an attack on the company. The attack is chiefly political.

Q. You have adopted a number of restraining acts in the last year or two, have you not, as to personal conduct — sale of cigarettes? and that sort of thing? A. Yes, sir.

Q. The cigarette act is not enforced.

Q. What do you say as to the campaign for Governor, compared with the — the campaign for the nomination, compared with the campaign for the election? A. They are very similar except that it is a personal campaign and not a party campaign.

Q. For the nomination? A. Yes, sir.

Q. And which is the greater struggle in this State? A. The primary campaign.

Q. And that was so last year? A. Yes, sir.

Q. What was the normal Republican majority, what was it last year? A. Just about 40,000.

Q. Last year? A. Last year it was thirty-nine thousand and something.

Q. That is on the National ticket? A. No, on the State ticket. I have forgotten now what it was on the National. It was something about — just about 5,000 ahead; there were some candi-

dates who ran up to 4,200 or 3,000. They had that large plurality last year and the head of the ticket came down to about 37,000 or 38,000, and then Taft ran about 5,000 ahead of that.

Q. Now, I notice that the State convention under this act is required to meet after the nominations, are you? A. Yes, sir.

By Chairman MEADE:

Q. That is, those are party committeemen, are they — party council? A. Party council.

By Judge KNAPP:

Q. Party council or State convention, well, State party council then — we use the word convention in our State — and the members of that council are made up of the chairmen of the county committee and the candidates who are nominated previously? A. Yes, sir. The candidates for State officers, courts, State senators and representatives make up the party council and the chairman of each county committee make up the party council.

Q. And that party council or convention makes the platform? A. Yes, sir.

Q. So that the candidate who is nominated for Governor, for instance, is the nominee of the party, whatever it may be, upon a platform adopted subsequently? A. Yes, sir.

Q. Does he accept that platform or does he make one for himself through his campaign? A. Well, each candidate made one for themselves through the campaign last year. Then the party council made a — well, you might say, a compromise platform of the winning — chiefly to help the winning candidate and with some of the ideas of the losing candidate, because they, the representatives and senators elected — there were a great many of those who were personally opposed to the candidate for Governor, to the successful candidate for Governor.

Q. What I am getting at — you are explaining it, I guess, all right — is this: That the platform that is made then at this State party council or convention is a platform made to express the individual views, so far as possible, of the candidates that are nominated at the primary? A. Yes, sir.

Q. And does not necessarily express the views of the party chairmen, county chairmen of the county committees? A. No, sir.

Q. These committees are elected at the primary, the same as other officers or candidates? A. Yes, sir.

Q. Now, if the candidate for Governor has made a platform for himself prior to his nomination and prior to the adoption of that platform by the State council, and it is inconsistent with the provisions of that adopted by the State council, just what position are you in with reference to that campaign? A. Well, the candidate makes his race on the platform and then he adds a little to it, his personal platform to it, he says "I am —"

Q. He is not then responsible for the party machinery, so to speak, for the sentiments that he expresses? A. Not entirely. If he has some ideas that he is in favor of in addition to the ideas expressed in the platform, why, he amends the platform to suit himself.

Q. So there is no such thing as a letter of acceptance by the candidate for Governor, for instance, accepting the nomination at the hands of any party? A. No.

Q. As he is not responsible to any party? A. No; while he is responsible in a way, he is not so directly responsible as he was before the primary system.

Q. And yet he expects the party organization to support him at the polls? A. Yes.

Q. And to use every effort to secure his election? A. Yes, sir; and so far it has —

Q. You think it did; you think it was loyal in the last campaign, I am speaking of? A. Oh, yes; generally there were quite a number, possibly as many as 8,000 or 10,000 votes that switched.

Q. You say loyal. Was it enthusiastically loyal? A. Generally, yes.

Q. Then the successful candidates for county committeemen and the successful candidates upon a ticket in general for nomination, were pretty much in harmony with the head of the ticket? A. Well, as it happened; last year, why, that was the case in a majority of counties; there were a great many of the counties where they were not; where they didn't get out and work for the head of the ticket; except, that is, some counties where they were really

opposed to the head of the ticket, they got out and worked for the ticket generally because they wanted Taft to win and for no local conditions.

Q. Now, this law, I assume, was intended to get rid of certain leaders, who were, perhaps, called bosses, dictators, etc., in party councils? A. Yes, sir.

Q. Has there been any evidence that such has been the result of the — A. Not entirely, there is considerable dictation still. The head of the ticket does considerable dictating.

Q. Then, when the ticket is finally elected, the successful ticket, is there any party machinery and party leadership that falls to the lot of those who are charged with the administration of the affairs of the State, or that is assumed by them? A. Well, they have — the State central committee still remains as it was before, except its organization is a little different under the law. They still have a party campaign.

Q. Who became, upon the success of this movement last fall, the leader or head of the Republican State organization, so to speak? A. Why, Governor Stubbs.

Q. But before his nomination, under this system, he was characterized as a reformer? A. Yes, sir.

Q. Now then, that he has succeeded he becomes the leader? A. Yes, sir.

Q. And to use an expression which is sometimes used, "The boss." A. Yes, sir.

Q. So that it merely operates to substitute one party boss for another? A. Yes, sir; that is what it has done here.

Q. What do you say as to the influence of the newspapers in a campaign for nomination? A. Well, they have — the newspapers, they have probably more influence than the candidates themselves; that is the actual condition.

Q. Now, take such papers as the *Kansas City Star* and *Topeka Capital* and the *State Journal*, which have a general circulation throughout the State, as I understand it — A. Yes, sir.

Q. And are generally read; if those papers support the candidacy of a particular individual and do it enthusiastically, what particular show has a man got who is against it? A. He would not have much of a show.

Q. So that the newspapers become, in a sense, the bosses of the situation? A. Yes, sir.

Q. If they want to take advantage of their position, and you say they do take advantage of it — A. Some of them.

Q. Well, I might ask, is that newspaper support the voluntary support of the editorial staff and management of policy directing the influence of the newspaper, or is it obtained by financial considerations? A. I think it is purely voluntary. I have not any — there were rumors and rumors but I have not been able to find a single thing that would substantiate a mere statement that any newspaper had sold its support for money. I do not believe there is one in the State. The influence of extensive advertising by a candidate for which he pays —

Q. You think that would have no moral or indirect influence upon the policy of the paper? A. I believe not. It did not show anything like that during the campaign last year, during the primary.

Q. You don't regard newspapers as a benevolent institution or eleemosynary? A. Oh, no.

Q. In their character they are purely business institutions? A. Yes, sir.

Q. For the purpose of making money for their promoters and owners? A. Yes, sir.

Q. You do not think that the policy of these newspapers is in any sense determined by the question of how much they may be going to get out of it? A. No, sir; I do not believe there is any newspaper in the State that is influenced that way.

Q. Did Governor Stubbs have any peculiar relationship to any newspaper here in this campaign? A. Well, he was particularly friendly to the *Topeka Capital*.

Q. Well, has he any financial interest in that, or they in him? A. Not that I know of. There is no record to show it. There is a good deal of talk that Mr. Stubbs holds a mortgage on the *Capital* but no one has ever heard of it or knows where it is or what it is.

By Chairman MEADE:

Q. No intimation of how much? A. No; never heard of an intimation of how much.

By Judge KNAPP:

Q. No record of any such? Anybody looking — A. No, sir.

Q. For such a record? A. Yes, sir; they didn't let anything like that go by last year. (Laughter.)

Q. Now, state whether there was or not, to a considerable extent, bitterness and accusations and counter-accusations made through the newspapers during the primary campaign? A. Yes, sir; a great deal. Chiefly, statements from one candidate or from friends to the newspapers, or letters to the editor, and then answers from the opposition.

Q. Regarding the other? A. Yes, sir.

Q. I think that I understand you to say that so far the primary law is popular here? A. Yes, sir.

Q. And that the method of campaigning is regarded as dignified? A. Yes, sir.

Q. And a satisfactory method of selecting a wise and competent and unselfish public servant for the head of this great State?

A. Yes, sir. I think that the primary law if put to a vote would carry by a big majority in the State.

Q. I so understand then. And you say that the people of the State, the thinking, conscientious people of the State, believe that that method of campaigning between individuals is a dignified and proper method of selecting a wise and competent and unselfish public servant? A. Yes, sir.

Q. For the administration of the affairs of the State? A. Yes, sir.

Q. Do you think that a man selected in that way will be as friendly to the interests of those who opposed him and attacked him? A. No, sir.

Q. As he will towards those who supported him loyally? A. No, sir; I can't see any —

Q. So that the result of it is, then, that when the man goes into office he naturally would have a prejudice against the people and the papers that have used him as he thinks, perhaps, unfairly and unjustly? A. Well, it is not a serious prejudice, or anything like that; but he realizes that they were opposed to him and that they probably are now, and he is not as friendly with them as he is with the papers that supported him.

Q. Of course, they get none of the plums, so to speak? A. No.

Q. Of public administration? A. No. The newspapers of the State are very shy of getting any of the plums from any administration here, except a few editors are made regents of the State Normal School and University, and places like that, but no really big jobs.

Q. I do not refer particularly to the newspapers, but included them in the general statement as to the relative condition of friends and enemies in such a campaign? A. Well, yes; that applies both —

Q. Is it not true that such bitterness was raised during this last campaign that men of affairs who are familiar with each other and acquainted with each other, actually refused to speak to each other subsequent to the campaign because of that bitterness? A. Well, I heard some of that, but I do not know of any instance from my own knowledge.

Q. So far as the United States senator is concerned, this law amounts practically to a recommendation to the Legislature, does it not? A. Yes, sir.

Q. The Legislature is not actually bound to follow the recommendation of the primary? A. No, sir.

Q. And the law was accepted by all the candidates last year as binding, and the successful candidate was elected by this Legislature, wasn't he? A. Oh, yes.

Q. Mr. Long had been United States senator? A. Yes, sir.

Q. For how long? A. Six years — well, six years last March — five years and a half up to the time of the primary.

Q. Mr. Bristol received the larger number of votes? A. Yes, sir.

Q. And was elected? A. Yes, sir.

Q. And he was one of the senators that voted against the present tariff bill in the National Congress, is he not? A. Yes, sir.

Q. Curtis is the other senator from this State and voted for it? A. Yes, sir.

Q. He was nominated and elected under the old system? A. Yes, sir; before we had a primary.

Q. And the Governor of this State is the only new State officer, as I understand it, that was nominated under the primary system? A. Yes, sir.

Q. The old State officers were simply renominated, and I guess were all re-elected without having opposition, I think? A. No; there was opposition for the Attorney-General and for one Railroad Commissioner.

Q. Have you been able from your observation to discover any defects in this primary system that you have? A. Well, the chief one is that they don't get out the votes, and they are not able to keep the Democrats from voting in the Republican primary.

Q. You think that is an evil, do you? A. Yes, sir.

Q. Then you would not advocate the open primary system by which a blanket ballot is used, and a man can vote as he pleases without reference to a party? A. Well, no, no; I never — no one has ever offered a suggestion here that even looked like getting away — or stopping this crossing.

Q. There is, however, a movement here to govern the city of Topeka by what is known as the Des Moines Commission Plan, isn't there? A. Yes, sir.

Q. Well now, that commission plan merely amounts to a primary election in which the names of all the candidates for a particular office are printed upon one ticket? A. Yes, sir.

Q. In alphabetical order, or such order as may be determined. The two highest are selected regardless of political affiliations and they become the candidates upon the tickets at the election? That is substantially the commission system, is it not? A. Yes. There is the mayor and four commissioners and they select the ten highest to become the candidates.

Q. The ten highest? A. Yes; the two highest for mayor, and then the two highest for each of the commissioners. A mayor and four commissioners; the first one is the mayor, and two commissioners in school districts.

Q. Has the system been adopted in many municipalities, in this State, I mean? A. Yes; in Leavenworth, Independence, Wichita, Kansas City, Kansas, Atchison. I think that is all that have adopted it; and Topeka, Coffeyville and Salina are talking about it. And some of them have had a vote on it, but it failed. Topeka is to have a vote yet.

Q. Well, that absolutely eliminates all party question and all partisanship in the administration of municipal affairs, doesn't it? A. Yes, sir; but it does not entirely, but it is intended to.

Q. But that is the intention of it, isn't it? A. Yes, sir.

Q. Now would not that same system applied to your State obviate this difficulty which you speak of, of Democrats voting in Republican primaries and vice versa? A. Why, probably.

Q. So that the tendency is then in these large municipalities to absolutely eliminate all partisanship and party organization? A. Yes, sir.

Q. And if that system is carried out throughout the State would it not have the same effect upon partisanship? A. It should have that.

Q. So that the selection of administrative officers and executive officers, etc., in the State would depend upon their personal effort and the support which they might gain because of their personality? A. Yes, sir.

Q. Rather than the support of any particular party? A. I think that is the way it is going to work out.

By Assemblyman CONKLIN:

Q. Well, has there been any such suggestion that this scheme be extended to the municipalities of the State at large? A. Not very much yet.

Q. It was originally intended that it should apply only to municipalities and eliminate national parties from municipal elections, was it not? A. Yes, that was the original intention.

Q. Has it worked in practice in the cities where it has been put in force — has it eliminated political parties, or has it helped to get men there — A. It has practically eliminated political parties in the city campaigns where they have had it.

Q. That is, weaned the people away from voting blindly for a man simply because he might be a Republican or a Democrat or a Populist? A. It has eliminated a great deal of it. There is still some, because where the candidate in the city has been prominent in politics for one side or another, and then becomes a candidate for mayor or commissioner, why there has some politics crept in. But not nearly so much as there used to be under the old party politics.

Q. Has it had much, if any, influence on the so-called spoils system? A. It seems to have had in several of the cities where they have tried it.

Q. Influence for the better or for the worse? A. For the better. The only city that I am most familiar with is Wichita, where the appointive officers are now almost equally divided among the Democrats and Republicans. Formerly they were all Republicans or all Democrats, as the —

Q. And they are not identified in municipal affairs or not looked upon as Democrats or Republicans, but are looked upon simply as public officers divorced from national parties? A. Yes, sir. I think that the tendency is going to be to eliminate politics even more as it goes on. In the cities that have had it two or three years or more it seems to get less politics in it in the second election than there was in the first.

Q. That scheme is growing throughout this particular section, is it not? A. Oh, yes.

Q. Spreading from city to city? A. Yes, sir; likely it will not be many years until every city in Kansas, the first and second class cities at least, have a commission government. It is very satisfactory wherever they have tried it.

By Judge KNAPP:

Q. Did I understand you to say that from what observation you have been able to give, the effect of this primary here is the selection of better candidates and more capable men? A. I really think so.

Q. You think that was the result of the last election? A. Yes.

Q. Of course you have not had experience enough to know what it might result in ultimately? A. No.

Q. This system extends, as I understand it, to all the offices of the State? A. Yes, sir.

Q. I do not know as you can say how many State officers there are that come under the elective system, State, county and municipality? A. There are about sixteen State officers; and then in each county there are about ten county officers; and it also extends down into the precincts or the township; each township nominates its men the same way, and there are three township officers.

Q. And two party committees? A. Yes, and the party committees.

Q. Has there been any effort here made to reject party committees that have been chosen in this way by the party organization itself? A. No, not that I know of.

Q. There has been a decision in the State of Pennsylvania to that effect, that the party is the sole judge of the qualifications of its membership, and if they don't want to take a man, can reject him? A. Well, there has not been any case like that, of rejection in the State, that I know of.

Judge KNAPP: We are very much obliged to you, Mr. Howes.

By Assemblyman CONKLIN:

Q. I would like to ask whether there was any State control of primaries previous to the enactment of this direct primary plan, and was there State regulation of primaries of the delegate and convention system? A. There was a law that permitted that, but it did not control it.

C. A. CAIN, of the *State Journal*:

By Judge KNAPP:

Q. You are connected with the *State Journal*? A. Yes, sir.

Q. Published at Topeka? A. Yes, sir.

Q. A daily paper? A. Yes, sir.

Q. You participated in this primary campaign last August? A. As an independent Republican paper.

Q. Which of the candidates did your paper support? A. They supported neither one particularly; that is, had no choice between the two. We gave them both fair treatment. The *Journal* was not particularly partisan to either one of the candidates.

Q. Did it accept advertising matter from both? A. Yes, sir.

Q. So that it conducted a campaign of that kind simply for pay? A. Yes, sir.

Q. Now, Mr. Howes has given us his judgment from the observation that he has had of the work here, that the result of the primary election was the selection of a better class of candidates than would probably have been selected under the delegate and convention system without it. What is your view of that? A. I heard your questions to Mr. Howes and I agree with Mr. Howes in practically all of his answers. I listened very carefully and he reflected my sentiments, except one; I do think the convention system would be the best.

Q. That under the delegate and convention plan as in operation here previously for the selection of State officers, etc., your view is that as good candidates or better candidates were elected than by this? A. Yes, sir.

Q. Now, this State at one time was under the Populist control? A. Yes, sir.

Q. About how long ago? A. About twelve years, I guess.

Q. For how long a time was there a Populist administration here? A. 1893, 1895, 1897 — three times.

Q. Was there also a time when there was a Prohibition government? A. Once, yes.

Q. Was that St. John? A. Yes, sir. Re-elected.

Q. And can you state in a general way what became of the Populist party in this State? A. Well, it was assimilated by the Democratic party; and now I think the Republican party have taken over a great part of it.

Q. The membership, so to speak, of the Populist party has been assimilated by — A. The Democrats.

Q. The Democratic party, and the Republican party, both? A. The Republican party took the principal issues and the Democrats took the men.

Q. So that the issues that were formulated and promulgated by the Populist party, do you say the Republican party has been advocating? A. Yes, sir.

Q. In the last few years? A. Yes, in a general way, I believe, that is true, yes.

Q. I do not know, Mr. Cain, that there is anything further we want to ask you. Mr. Cain has listened to Mr. Howes and corroborates substantially the conditions as they exist? A. Yes, sir. Only particularly to save time.

Q. Last year, except with the conclusion Mr. Howes came to? A. Yes.

Q. As to the selection of the candidates? I did not ask either of you gentlemen what you knew about the comparative expense to the individual candidates between the old system and the new? A. I should judge it would be a good deal more under the new system.

Mr. HOWES: Oh, yes, only probably the expense goes on the candidates and his friends now.

Mr. KNAPP: For the nomination?

Mr. HOWES: Yes.

Q. Do you know anything about the assessment of officeholders for the payment of campaign expenses in this State as practiced by the dominant party?

Mr. CAIN: No, I do not know what their expenses were.

Judge KNAPP: Do you know anything about it, Mr. Howes?

Mr. HOWES: Why, they assess them for the general election campaign but I do not think they assess them for the primary. They assess them 10 per cent. for the chief officers and two and a half for the clerks.

Q. And that is a common practice throughout the State, is it?
A. Oh, yes.

Q. By the dominant party? A. Yes, sir.

Q. There is no law prohibiting it? A. No.

Q. That assessment was made for the general election expenses last year, wasn't it? A. Yes, sir.

Chairman MEADE: We are much obliged to you, Mr. Cain.
Recess.

AFTERNOON SESSION.

C. E. DENTON, Secretary of State:

By Judge KNAPP:

Q. In your statement, found on pages 125 and 126 of your report, you say the counties of Crawford, Jewel, Lynn and Martin failed to report? A. Yes, sir.

Q. What are those counties as to population? A. (Referring to book). Well, now, I will have to look at this and go through carefully; I could not tell without looking up.

Q. You have it here — Jewel — yes, it is here (indicating). Crawford county, that is omitted, has a population of 51,423?
A. Yes.

Q. Well, you have the assessed valuation, have you not, of the taxable property right there? A. Yes. Lynn county, another one omitted, is 15,313. Jewel county is 17,619 and Merton county is 1,050.

Q. These counties failed to report their expenses? A. Yes.

Q. Now, what do you say as to whether, outside of these counties, this is approximately a correct statement of the public expense — cost — in holding the primaries last August? A. Well, it is very much less. Very much less than the actual expense, and it is probably considerably less than the actual expense will be the next time.

Q. Why? A. What I mean by that is, that in this last primary, which was the first primary, while there were many people in this State who were particularly anxious to see this primary made a great success, they were more or less enthusiastic over it and they donated their services and served as clerks and judges and all that sort of thing without pay; they won't do it any more, I don't think. That was a new proposition and they were particularly anxious to make it go. Hereafter, in my judgment, those people will demand what the law allows them.

Q. And that is how much? A. Well, the judges get, I think, three dollars a day and the clerks two and a half.

Q. There were how many per precinct? A. Well, that would be in each precinct — well, there are two judges and three clerks in each precinct.

Q. Do you know about how many election precincts there are in the State? A. About 2,300. Those election precincts I will give you exact.

Q. The law provides for a primary before a general election once in two years? A. Yes.

Q. In August. It also provides for a municipal primary in places of over 5,000 annually? A. Yes.

Q. And in those places there would be two primaries every second year. That is correct, isn't it? For instance, in Topeka, you would have the March primary? A. Yes, sir; and the primary for the State offices.

Q. And the year you would have the State primary you would have two primaries, wouldn't you? A. Yes.

Q. Can you furnish us with the number of State and county officers that are chosen at the biennial State elections? A. Yes; right in this book (indicating book).

Q. That is in the book? A. Yes, sir.

Judge KNAPP: Well, the book may be considered as part of the records?

Chairman MEADE: Yes.

The WITNESS: Yes, you will find that that is right in the book. You will find the vote is given for each officer everywhere, right down the line.

Q. That is last year's vote? A. Yes.

Q. Have you compared that with the vote at the primary? A. Yes.

Q. What is the comparative cost of the primary with the cost of conducting a general election? A. Well, it is considerably greater, but I have not got any figures with which to make comparison. We haven't any figures on the cost of the general election. I do not know. But I can see where it could be considerably greater than the general election.

Q. Just explain. A. Well, for instance, the ballots, we may say, will be about the same thing. I do not think there is any difference.

Q. Let me ask you upon that: Is it a separate ballot at the primary for each party and at the election they put them all on one ballot? Would not that make a difference in expense? We have, for instance, in Kansas City, already in evidence, from the Democratic, Republican, Prohibition, Socialist, etc. — A. Yes.

Q. All separate tickets at the primary? A. Well, that is true.

Q. And all printed on the same ballot at the election? A. That is true, that is true. Then the ballots would not be the same. Of course, it would take a less number of ballots, I understand. For instance, you want to say if you have to print a Republican primary ballot in that particular county — when on the other — the ballot at the general election — they are made up in sets — these different ballots.

Q. And they actually use more printed matter, don't they? A. Probably true. And would run a great deal over the cost of the general ballots, upon the theory that each printer says,

“ Well, we will print you 100 of this; we will print you 500 for about the same price of cost after you get the form of it; we are running off a few more and it don't make any difference.” That enters into this thing, you know.

Q. And the fact that there are a large number of candidates for nomination — A. Yes.

Q. That are eliminated in the election would also make a difference in the printed matter proposition? A. Yes, that is true. Then again the printing of the call notices and the notice of primary and the calling the primary election and all of those things which are printed concerning the primary, which is not the case at the general election, except one formal notice by the sheriff.

Q. And those are required by the law to be printed in newspapers, are they? A. Yes; and that is an enormous expense.

Q. Do the newspapers get any considerable sum from the conduct of these primaries? A. Well, now —

Q. And for the publication of notices and the publication of the tickets? A. Yes, sir.

Q. And of personal advertisements of candidates? A. I thought you meant in the election itself. We will separate the two. Take the proposition as to whether or not the newspapers get any revenue from the election itself. I should say that more than one-half this money is paid to printers; that is, newspapers and those who get up the ballots. For instance, a job printing office might print the ballots, you know, and they would get that much. Newspapers get the money for the notices. And I would think that fully one-half of this money went to newspapers to start with, of the election itself.

Q. Are they all generally in favor the primary law here? A. Well, our large papers are in favor of it almost unanimously.

Q. It has already been stated here that the candidates themselves indulged in personal abuse to quite a considerable extent. Is that true of last fall? A. Yes, that is true; though not to so great an extent as will be in the future, in my judgment. I believe that the candidates are becoming fully alive to the situation; that without the help and co-operation of the large daily newspapers they can't get anywhere.

Q. What do you say as to whether the influence of the daily press is potent in the making of the nominations? A. Oh, yes.

Q. Under this system? A. I say that they are all-powerful.

Q. And do you think a man could go in and with the newspapers, that is, the daily newspapers, I mean, opposed to him, and succeed in getting the nomination for an important office in this State at the present time? A. A State appointive office?

Q. An elective office. A. An elective office. Well, I can't imagine a condition under which he could do it. Now, that thing might be possible, but I don't believe it. I don't believe he could.

Q. Were the candidates for Governor and United States Senator that were supported by these large papers successful at the last primary? A. Yes.

Q. What do you say as to what the indications are that the members of one party participate in the primary election of the other party? A. Well, I don't know. In my judgment, there is no doubt about it in this State. I haven't a doubt but that Mr. Long was defeated by the Democratic vote. Democrats went in and voted for Bristow. Now, I don't think that can be proven. It is hard to prove, but I am thoroughly convinced of it and I believe it to be true.

Q. Well, do the returns indicate anything in that respect? A. Well, it is hard to say whether they do or whether they don't, because there was a great discrepancy between the vote cast at the primary and at the general election, that you can hardly make figures on that proposition. If we had had about the same vote at the primary that we had at the general election, I think you could have figured on it; but I would not know how to go to work to make any figures on that proposition.

Q. Is there anything in the law, as you interpret it, that prevents that occurrence or practice? A. Yes, it is prohibited by our law.

Q. You mean the primary law? A. Yes, our primary law doesn't permit the Democrats to go in and vote the Republican ticket.

Q. Now? A. Without which he could not vote for a Republican.

Q. Can you point that out in the law — I was not able to find

it myself? A. I — it has been so long since I looked at this law Yes, it is in here (indicating).

Q. Isn't this the condition, that if a man is challenged?

Mr. MULVANE: Well, the law says he shan't. There is no practicable way to prevent it.

Q. Doesn't the law say that if he is challenged he must take a certain oath of his intentions to support the candidate that is upon that ticket?

The WITNESS: Well, now, wait a moment. Our law puts it this way: Our law — it is not permissible for him to do it under our law; he is not supposed to do it and if you can prove that he has undertaken to do it, he can be stopped.

Q. I would like to have you call my attention to it if you can, because I have not been able to find it. A. Well, it is in here (indicating).

Chairman MEADE: Under "Penalties," I think you will find it.

Mr. HOWARD: It is on page 16.

By Judge KNAPP:

Q. What is it (reading)? In this act, Mr. Secretary, there is nothing to prevent his doing this very thing that you speak of — taking any ticket he pleases and voting it. A. No, that is so, unless the general tenor of the law was to prevent the man from doing it; that any man who is familiar with this law knows that he hasn't any right to do that. Now, then, if he goes in face of that and asks for, being a Republican — if he should, in face of this law, go and ask for a Democratic ballot — he would know that he was doing a thing that he had not ought to do, and that the law does not contemplate that he does do it; but unless the men who are in charge of that particular voting precinct challenge him there, why he goes right through. And that was done in this State, so I thoroughly believe. Now, you ask me to prove that, and I can't do it.

Q. There is no system of registration and enrollment, nothing of that kind, that gives the election officers a record of a man's party affiliations? A. I think there are cities here — nothing in this law.

Mr. MULVANE: No, no law that affects party affiliation.

The WITNESS: There isn't, eh? Don't you when you have your spring election here, or at any time, go and register, as to whether or not you say anything about your politics?

Mr. MULVANE: Not at all.

The WITNESS: It is not in the law at all? Well, then, it would not be in it.

By Assemblyman HOWARD (reading):

Q. That did not signify that at the last election he was not affiliated with some other party, does it? A. Well, now, that is a question. Part of this which you have just read was, I think, framed up for the man who was not a voter at the time of the primary, but would be at the time of the general election.

Q. Yes. A. You see, that would cover his case. He could come in and say that he was not twenty-one years of age. Now, that is quite a question. I think we threshed out the question here that the man, who would be a young man, who would be a voter at the time of the election could vote at the primaries.

By Judge KNAPP:

Q. Even though he is not a registered voter? A. He would be qualified.

Q. But so far as his partisanship is concerned, there is absolutely nothing in that bill to prevent his saying that "I am a Republican and affiliated with the Republican party when I offer my vote at this primary." Even though he may have voted the Democratic ticket for years before? A. I think if he is challenged and takes that oath, I think he is entitled to.

Q. And if he is not challenged and votes, there is no way to convict him of any offense. Now, what do you say as to whether that feature of the law that inferentially permits that sort of thing — is it a weak point in the law or is it commendable? A. Well, that depends upon which way you view it. If the people generally figure upon a law of this kind as to whether or not it is going — if they want to view this law from the point of view of its building up and strengthening parties in this State, then that part of the law would be weak; it would not cover the ground.

And if the people who believe that the breaking up of party lines is a good thing, then this proposition will help to do it, in my judgment.

Q. Then are we to understand that it is your judgment that the operation of this law will have a tendency to break up party lines? A. I think so, in my judgment.

Q. Do you think you can have a cohesive, enthusiastic, strong and loyal party organization which has nothing to do, practically, with the nomination of candidates for office, simply frames the platforms upon which these officers are to stand? A. I don't think so. There is no incentive particularly. There is no reason why they should become partisans to any extent.

Q. Has the delegate and convention system which, before the primary law was used in this State, resulted in the nomination of inefficient or improper candidates for important offices, to any extent? A. No, I don't think so.

Q. Has there been public criticism of that character? A. Yes, yes.

Q. There were Populist Governors nominated and elected under the old system, were there not? A. Oh, yes, yes. That question, however, I think, would only be fair to answer as comparatively speaking. In other words, if you will put the question to me now as to whether, in my judgment, the primary law — under this primary law we have the — or under the old system — whether or not the State would be benefited by securing an honest, efficient and higher grade of officials, that would, I think, be a better comparison.

Q. What do you say as to whether under the Primary Law you secured better and more proficient candidates than under the delegate convention system? A. I think not, I think not.

Q. There were no legal safeguards thrown around your primary system, before the adoption of this Primary Law, were there? A. None, I think. I should say not other than custom makes law of that description.

Q. The caucuses and conventions were conducted substantially according to party rule, were they? A. Yes, and precedent.

Q. The majority of the delegates in each case determining the nomination; is that the practice? A. Yes.

Q. What do you say as to the nomination papers filed in behalf of candidates, as to whether those nomination papers were participated in to any extent by the farming community as shown by the files of your office? A. Well, aside from a few of the most prominent figures in the political situation, I would say that a very very small percentage of the nomination papers on file in my office have been signed by the farmers of this State.

Q. Was it claimed when the enactment of this law was agitated that it was desirable, that the farming community which is so important a part of this State should participate directly in the nomination of candidates? A. Oh, yes.

Q. Was that one of the claims? A. Oh, yes.

Q. What do you say as to the possibility or probability of a resident of a farming or rural community obtaining a nomination as against a prominent citizen of one of your larger cities? I mean, how are the opportunities, comparatively speaking, of securing it for an important office? A. Oh, well, I should think very much in favor of the citizen who lived in the large community, aside always, of course, from the influence of the daily press. I think if the man of the rural district was able to secure the co-operation and help of a large paper (I would not care where the other fellow lives) I think he would be nominated.

Q. What do you call about the center of population in this State? A. What do you mean? As to locality?

Q. Well, where would you place the center of population, taking the gross population of the State? How far would it go — to get as many west of here as there is east? A. I should imagine it was pretty close to the line, isn't it, Mr. Mulvane?

Mr. MULVANE: I do not know where the center of population would be. I should think the first third of the State would have as much population as the other two-thirds — I do not know.

The WITNESS: Well, I think perhaps even more.

By Judge KNAPP:

Q. As to the operation of a law of this kind in a population that is five times the population of the State of Kansas, can you say anything as to the difficulties of conducting a personal campaign in a population of that kind, for the office of Governor, for

instance? A. Well, I don't know, I don't know that I could give any particular idea on that.

Q. What I am getting at is this: as you extend the limits in population and in territory the difficulty or the labor of securing a nomination by personal appeal to the voter becomes greater?

A. Oh, yes, that I should say would go — I should think that would be a foregone conclusion. There is always this to be taken into consideration and that is, how the man is going to make a campaign. If a man depends upon his own efforts and his personal friends in a campaign, under this primary, without any aid or help from the press, I feel that he has got an almost hopeless case against the other fellow who has got the press or its aid and its help. But if two men were — if they were to eliminate the daily press and the newspaper influence and two men were to start out to get a nomination, we will say for Governor of this State, then it occurs to me that the fellow who put less time in bed and more time in traveling and working around over the country would be the man who would succeed.

Q. That is, the personal appeal campaign would accomplish something for the benefit of that particular man? A. Oh, yes. I do not think there is a doubt about that, eliminating this other influence. But my position is that against the influence of the large papers circulating throughout the State, I do not think he could get anywhere.

Q. What is the opportunity of a poor man who has no money and can't borrow any in undertaking a campaign of that kind?

A. Well, I should think he had better never start.

Q. We noticed in one case here that one of the candidates stated that his friends contributed the money? A. Yes.

Q. Might that not be? A. Well, if a man, of course, had no means himself and his friends would contribute it, why, that would help; but I certainly think he needs the money.

Q. You think he could not make much progress without spending money? A. I think not.

Q. In making a campaign of that kind? A. No, I think not.

Q. Whether he has it or whether he finds it or whether it is given to him — A. As against the fellow who has got the money — no.

By Assemblyman HOWARD:

Q. Isn't that quite true also of the convention system? A. Well, it may be true to some extent, yes; it probably is; probably money — the use of money in considerable quantities always tells in almost everything that we undertake. That is true, but I do not think it would have the same weight under the old system that it has under this.

By Chairman MEADE:

Q. It does not need so much money to secure a nomination, do you think it does? A. Under the old convention system?

Q. Yes. A. No, no, I think not. No, I don't think so. No.

Q. Do you really think that in the convention system that the question of a man's finances ordinarily cut much figure in getting a nomination? A. I do not think so. It has not — that has not been my idea of it.

By Judge KNAPP:

Q. Is there anything that you think of, Mr. Denton, in explanation of your tables or of the operation of the laws? A. No, I think that part has been thoroughly covered this morning as we went along; I do not think of anything.

By Assemblyman HOWARD:

Q. Are your general election expenses paid by the State or by the political subdivisions of the State? A. The general election expenses?

Q. Yes, each county pays its own expenses? A. I think each county pays its own expenses — no, I guess with one exception, I think they pay their own part of the —

Q. Any part of the election — A. Of the election expenses, yes.

Q. And then under the primary system they do the same thing? A. They do the same thing.

Q. You remarked that you thought it equalized somewhat if the expenses of the primary were paid by the State? A. Yes.

Q. That would be true also of the election, wouldn't it?

A. Well, no, I don't think that would be true in exact proportion for this reason: under our primary law here you will find a number of blanks that must be published in the papers, in the official county papers. Now, the charge for publishing that notice, which was made under the statutes would be just as much or very, very nearly as much in some of these very small counties as it is in this county, because we are charged one way. It says that they have a right to charge so much for that, and in that way it works a hardship and a burden upon the people in these smaller counties.

Q. Isn't the experience here in the one year that you have had it that a larger percentage of voters got out under the direct primary in your larger communities than in the smaller, more sparsely settled—I am speaking now relative to percentages?

A. I would hardly be able to answer that question.

By Judge KNAPP:

Q. The tabulation we have will show it exactly? A. Well, it doesn't show it, as I understand, very much. It shows it by precincts; it shows it by counties.

By Assemblyman HOWARD:

Q. Yes. In my question I assumed in this county you had some rural election precincts? A. Yes, I understand.

Q. I wanted to ascertain whether if as large percentage of those rural precincts came out as they do in the cities. A. Now I will venture an opinion on that question and I will say, no, not anywhere near. The people in the cities are more apt to get together and talk—that is, talk about primary elections—than in the rural districts, and thereby work up an interest that will be much greater than is worked up in the rural districts, and be an incentive for those people to attend the primaries that is not felt by the people in the rural districts.

By Chairman MEADE:

Q. It is claimed by the friends of this direct primary system that it does away with the party boss and professional politician. What is your judgment about that? A. Well, I do not know. It may do away with the fellow that has been (laughter), but I believe it puts up another fellow in his place.

Q. Simply substitutes one boss for another? A. I am inclined to believe that it will have that tendency, yes.

Q. Has that been the effect in this State? A. Well, it looks that way to me, up to the present time. Of course, our experience has been of not very long duration and it may be that some of these statements will be proven, later on, to be untrue.

Q. Your judgment is what I asked for. A. Yes, up to the present time.

Judge KNAPP: We are very much obliged to you, Mr. Denton.

D. W. MULVANE:

By Judge KNAPP:

Q. You reside in the city of Topeka, Mr. Mulvane? A. Yes.

Q. You are an attorney by profession? A. Yes, sir.

Q. I believe you are a member of the Republican National Committee? A. Yes, sir.

Q. For the State of Kansas? A. Yes, sir.

Q. Is there more than one member for each State? A. No, sir.

Q. How long have you held that position? A. I am serving my third term, four years each term.

Q. So that you have been associated with Republican politics and an observer of political conditions for at least twelve years? A. Yes.

Q. Prior to that have you held any political offices? A. None but member of the State committee.

Q. I mean, have you held any elective or appointive offices? A. No.

Q. Mr. Mulvane, have you to some extent observed the working of the primary law in this State during the past year? A. Yes, I think so.

Q. And its work during the campaign which was conducted under it last fall? A. Yes, sir.

Q. It has been stated that there was a fierce contest here between candidates for Governor and also candidates for United States Senator, throughout the State. What do you say as to the influence of the public press in that particular campaign, as to whether it was potent or otherwise? A. I think the result very largely was dependent upon the attitude of a few daily newspapers.

Q. And was it a common practice for candidates for office to use the public press for purposes of advertising their special qualifications for the office? A. They used it very liberally, a good many of them.

Q. And the platforms upon which they stood and the various principles which they professed, etc.? A. Yes, sir.

Q. May I ask your judgment as to whether that is a good way to conduct a campaign for important offices, making it a campaign of personality rather than a campaign of principle formulated by party platforms? What has been the result of your observation in that connection? A. It is almost impossible to confine it to parties under this system. If one believes that we are best governed by parties they would necessarily be unfriendly to such a law; but if they think we are or would be best governed without parties, why, they would find much in a law of this sort to commend.

By Assemblyman PHILLIPS:

Q. That would encourage them, I suppose? A. Yes.

By Chairman MEADE:

Q. And give a government of individuals instead of by parties? A. By parties, yes, sir.

By Judge KNAPP:

Q. Are we to understand, then, if I understand your view, the effective operation of this statute would tend to disintegrate parties and party organization, or loyalty to party control? A. I think it has, here, and from what I can learn through people who are conversant with its operation in other States, I think that has been the invariable rule where it has been tried.

By Chairman MEADE:

Q. Do you think that this clause in your statute providing for the party organization and party committees and party councils would help the situation any? A. To overcome the objection to which I have just referred?

Q. Yes. A. No, I think not, or, at least, not to any great extent.

By Judge KNAPP:

Q. You spoke of learning from other States. Have you had reports from the members of the national committee of those states having direct primary laws so as to get an expression of their opinions as to the operation of those statutes in those states?

A. Yes. A year ago last December, before we had our primary law here I talked with a number of — well, in fact, all the members from the states that had tried it and my recollection is, that without exception, they made that criticism, that it had a tendency to disorganize the party.

Q. What do you say as to the nomination of candidates by this method by the plurality vote as frequently occurs, as to whether that is a desirable thing to get at the will of the people? Take an instance where a man receives only one-fifth of the vote and is still regarded as the nominee? A. Well, of course, it is impossible under a plurality system to ascertain the wishes of the majority.

Q. May not that be obtained by the delegate system properly safeguarded by law? A. Oh, undoubtedly. When I say — I might amend our former statement that under our system you could not get at it. Of course there might be some method by which they would have a vote for their second choice and their third choice and some way of getting at it that way; but under our plurality system, I think it would be, where there are several candidates, unless one of them would receive a majority instead of a plurality, it would be difficult for one to say what the wishes of a majority really was.

Q. Will you state to the Committee, Mr. Mulvane, if you can, any features of the law which you could suggest amendments for to perfect it in any way in order to avoid the evil things which you have set forth as following from its operation? A. Well, my objections are rather to the principle as indicated before. I believe that we are best governed by the parties and therefore, no direct primary law, to my mind, could be devised that would be as good as the other system. But there are other conditions such

as the cost to the State and what is even more important, the cost to the individual — is perhaps as great an objection as anything else; it practically bars the poor man from running for any office.

Q. What effect does it have upon minority party? A. Well —

Q. Are there contests for nominations there that keeps the party alive or disintegrated? A. I think the tendencies are the same to both parties, but, of course, it would not if a minority party was so much in a minority that they had not much show — why, of course, it would not disturb their organization as much, or injure them as much as the majority party.

Q. Now, have you observed from any reports of the operation of the statute here the participation of members of the minority party in the nomination of candidates on the majority tickets? A. There is no question about that. It was indulged in very frequently the last — the only time we have had it.

Judge KNAPP: Do the Committee desire to ask Mr. Mulvane any questions?

By Assemblyman PHILLIPS:

Q. I would like to ask Mr. Mulvane — let us see, the Republican candidate for Governor received about 20,000 majority over his opponent at the primary election, I understand, last fall? A. Yes, sir.

Q. What was his majority at the general election, do you remember? A. Well, I think it was some thirty, I have forgotten, but I think somewhere about 30,000 — somewhere near 30,000; maybe a little more or a little less.

Q. How did that compare with the Taft majority? A. It was somewhat less.

Chairman MEADE: About 5,000 less, it was said.

By Assemblyman PHILLIPS:

Q. From the observation which you have made, Mr. Mulvane, would you say that the direct primary system has produced a better class of candidates than the former convention system? A. No, I think not; and I think that in the course of time it would produce a very less desirable lot; I think their tendency would be —

Q. Do you think that under the direct primary system there is the same opportunity or as great an opportunity for the office to seek the man as under the convention and delegate system?

A. There is not any possibility of the office seeking the man under the primary system. He has got to seek the office and he has got to seek it diligently and at great expense. And in that connection — I have a minor criticism, perhaps, to offer — but take in the case of township officers, the custom generally has been that it would be difficult — frequently difficult — to get any man to make a canvass for county trustee or treasurer or city clerk. But they would hold a caucus and they would, perhaps, in the absence of the man himself, force it upon one of the best known and most reputable men in the township and he would be nominated and then practically forced to run for the office. While under this system he has got to have a petition circulated and got to do a certain amount of work to get nominated, besides to get elected; and the result is that this most desirable class of men who have had these offices are apt to be supplanted by some fellow who wants the job instead of his neighbors wanting him to have it and who is willing to get out and circulate a petition or have his friends do it for some little minor office.

Q. Under your primary law is the party committee entitled to make a nomination or suggest a nomination? A. No, unless there may be some one's — if a vacancy occur —

Q. But not in the first instance? A. No, no, have nothing to do with it.

By Assemblyman HOWARD:

Q. What has been about the proportion of the vote of the principal political parties in the State? Are they pretty nearly evenly balanced? Have they been for the last few years? A. No, no, no. The Republicans carried this State except in 1892 and 1896.

Q. Generally classed as a Republican State on national affairs? A. Yes, the State, well, with those two exceptions.

Q. Well, now, under your present system have you any way of promulgating a platform prior to the nomination of your candidates for State officers? A. No, sir, the platform is made after the nominations.

Q. Who makes it? A. That is set forth in this primary law. The candidates for the various offices and the members of the State committee who are elected at that primary.

By Chairman MEADE:

Q. The party committee? A. Yes.

Assemblyman HOWARD: Practically the same way of making the platform as was done in the Hinman-Green bill.

Chairman MEADE: Yes.

The WITNESS: The nominations for Congress and the nominations for the Legislature and the nominations for the State, isn't it?

By Assemblyman HOWARD:

Q. Now, it has been claimed, both by the advocates of direct primaries and by the opponents of direct primaries in some states that where political parties were quite far apart in their vote — in other words, where one party was dominant, and the other party would be pretty surely a minority — that it had a tendency to build up the majority and tear down the minority party — of course, under this present system, under the direct primary system? What is your judgment about that? A. Well, that would be pure conjecture, and we have only had it brought up one year, and we are not exactly in that condition either.

Q. What is your belief, personal belief, as to whether or not party issues should enter into a State campaign? A. I think they should.

Q. You believe then in party government instead of individual? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. But under this present system in Kansas practically the candidates when they are nominated make the platform upon which they run? A. Oh, they do absolutely.

By Assemblyman HOWARD:

Q. Well, the county committeemen or the State council or committee might overbalance the candidates for office, could they not?

A. No; they could not numerically. They would not be apt to, practically, because the fellow who is nominated would consider that he had the most at stake and if that or this plank or that plank or the other plank was the thing to go in, the chances are that the others who had nothing at stake except the general success would probably defer to his opinion. That has been the experience.

By Assemblyman PHILLIPS:

Q. Well, are these committeemen elected at the primary, at the same primary at which the nominee is nominated? A. Yes, yes.

Judge KNAPP: We are very much obliged to you, Mr. Mulvane, for your attendance.

W. R. STUBBS:

By Judge KNAPP:

Q. Will you give us the benefit of your views and opinions, if you are willing to do so, in reference to this primary law? A. Well, I am delighted. I introduced this bill that became a law and made a four years' fight for it.

Q. You were at one time, maybe, a little bit partisan on this subject. You were a member of the Legislature, were you? A. Yes, three times.

Q. And your home was at Lawrence, about twenty miles east of here, I think? A. Yes, about twenty-six miles, yes.

Q. That is a college town? A. Yes.

Q. Can you state in a general way, Governor Stubbs, what evils this proposed legislation was supposed to cure or particular benefits it was supposed to give to the State administration, of its public affairs, at the time of the agitation? A. The crisis which led up to the enactment of the Primary Election Law, as I view the subject, was the fact that a very few persons under the old caucus and convention system had got control of our State politics and maintained control in connection with our large corporations, for a long term of years and of course, they were finally denominated as bosses and all that sort of thing; and there was a kind of a general feeling that the voters throughout the State ought to have a better opportunity to express their wishes in the nomination of

men to public office. And this law was framed up, after having gone over — it was pretty largely a copy of the Wisconsin law, with some amendments and changes to it. And it seems to me that is about the basis of what — the people thought they wanted the change so as to get a wider range of expression in the nomination of men for public office.

Q. Well, the law was adopted at a special session of the Legislature? A. Yes, but it had been — we had the primary election law up at two regular sessions, 1905 and 1907, and we could have passed this law and made it apply to everything except a Congressional delegation and the State officers at the 1907 session and the friends of the bill, including myself, fought that in a very hard fight and there was a strong effort to pass that kind of a bill at the 1904 session. But we held out for a bill that applied to everybody from United States Senator, the nomination of United States Senator, down to the township officers. And that was enacted at a special session of the Legislature of 1908.

Q. That Legislature was Republican in its character? A. Yes, overwhelming.

Q. How many members of the House of Representatives have you at the State House? A. One hundred and twenty-five Representatives to the forty Senators.

Q. I didn't ask you how many counties there are in this State. A. One hundred and five counties.

Q. After the trial of the law in the August primary last year, were any amendments of importance suggested? That is, was there anything discovered in its operation that suggested that it could be improved by amendment? A. There was some amendments. The law — the names of the candidates were put on the ballot alphabetically in the law originally, and in the last session of the Legislature, there was an amendment which divided the names so that each man would come first about the same number of times. It was thought that the fellow whose name commenced with "A" would get a few thousand more votes than the ones who were down at the tail end of the ticket, whose names commenced with "R" or "S," or something of that kind. My name was Stubbs and I was in favor of the change. (Laughter.)

By Assemblyman PHILLIPS:

Q. Well, what was the change that they put them to? A. John, do you remember the wording of that?

A VOICE: Well, the Secretary of State arranges the names in their order, so — giving your name first in one county, my name next, and Stubbs' name next, and so on.

The WITNESS: And it is intended to rotate.

Judge KNAPP: He has agreed to furnish me some figures of the vote.

By Assemblyman PHILLIPS:

Q. That is so they would not have an advantage? A. So there would be no advantage in the name.

Q. But in some counties first and in other counties last?

A. Yes, so that the division of the vote would be about equal.

By Judge KNAPP:

Q. Is that the only amendment, Governor? A. I do not think there was any other amendment that was of any great importance. Do you remember any other, John?

A VOICE: Well, there was one eliminating the provisions of this law over counties, or I mean over cities of a small population, but I forget just what it was.

Judge KNAPP: Of 5,000, that is the provision of the original statute?

A VOICE: Well, that has been changed.

Judge KNAPP: So that it includes them?

A VOICE: No, it eliminates all cities, Judge Knapp, I think, less than 10,000.

The WITNESS: There was a little change.

Judge KNAPP: So far as municipal officers are concerned?

The WITNESS: Yes, there was a little change. I don't remember just what it was.

By Judge KNAPP:

Q. Was the subject of voting by members of one party in the primary of another or the primary ticket of another discussed as of any importance? A. Yes, it is considered of great importance.

by the fellows who are candidates for office and I think more so, than the general public. The politicians consider that a matter of a great deal of importance and it has been discussed more than any other one subject in connection with this law, perhaps.

Q. If under the law it may be done and is actually done, is it regarded as a good thing or otherwise? A. Well, may I answer your original question a little more fully?

Q. Yes. A. Our law provides — prohibits a member of any party from voting the ticket of its — prohibits a Republican from voting a Democratic ticket.

Q. In the primary? A. Yes, sir.

Q. I have been trying to find that; I do not find it in the law. A. Look it up for him, John.

Q. It may be spelled out in some other way? A. Oh, no, it is positive. Now, then, you can take a man's vote and make him swear that he is a Republican, that he affiliates with the Republican or Democratic party and unless he does make an oath to that effect and establish the fact that he is a Republican he can't vote the Republican ticket — he has to call for a Republican ticket.

Q. Yes; Democrats for the Democratic ticket. But assuming that he is not challenged? A. Well, then he votes as he — for whatever ticket he wants to — but he can't vote two tickets. He can vote the Republican ticket or the Democratic ticket.

Q. Well, is there not some way to amend this law so as to make it unnecessary to challenge a man; in other words, have a registration of his party affiliations made prior to the primaries?

A. I think that has been done. Is that not true in Massachusetts?

Q. It has been done under the Luce law in Boston; I think so. A. Is it satisfactory over there?

Q. And it is also under our law. Not satisfactory to the independents. A. Oh.

Q. The independents are all opposed to it because — A. They don't want to declare —

Q. They don't want to declare their party affiliations? A. Yes.

Q. Well, have you observed whether or not there are people of perhaps some independence in politics, men who do not participate very much in politics, for business reasons or because of

their own choice, that they do hesitate about calling for a ticket of a particular party in this caucus? A. There is a few that have refrained from voting because they were compelled to ask for a Republican ticket.

By Assemblyman PHILLIPS:

Q. Declare their party affiliations? A. Yes, I know of a few. I would not think it a very great number that you could — though of course we had a terrific battle on that very bill in the Legislature; it was hard fought the year I was in the Legislature, and they tried to have a blanket ballot and let a man vote as he pleased.

By Judge KNAPP:

Q. According to the Wisconsin system? A. Yes, the Wisconsin law.

Q. I might ask you if you advocated that? A. No, I didn't advocate it.

Q. Is there any agitation for that here now? A. No, nothing of a general character, I don't think. The Democrats were generally in favor of that and the Republicans generally opposed to it.

Q. Now, under this law, my attention has been called to section 12, that if challenged the party must take an oath in which he says he is a member of and affiliated with such and such party? A. Yes.

Q. Is it not possible under that for him to have voted one ticket for years and change his politics at the time of the primary; is there any way to prevent — A. I presume that that is a matter for his own conscience to determine.

Q. Purely a matter of his conscience, his mental attitude at that particular moment? A. Yes, he may have been converted the night before (laughter) and associated himself with the Republicans —

Q. Some speech, perhaps? A. Yes.

Q. You can't very well say just when a man is liable to have a change of heart? A. Yes, it has no certainty, politically, of course. (Laughter.)

Q. Nor what causes it always? Your delegate and convention

system, prior to this law, was not safeguarded, as we understand, by any statute law — that is, you had no registration of voters? A. No.

Q. One party was not prevented from voting for the member of another? A. No; it was a free-for-all.

Q. A sort of free-for-all? A. Yes, sir.

Q. And conducted under rules adopted by the party? A. The party. I think the party — that is the supreme power, isn't it, Lamont? Was that not what the court decided, — that it was supreme?

Mr. LAMONT: They decided on the words, "If he was challenged." They could challenge then and it would bar the man from voting unless he would swear that he voted the Republican ticket.

The WITNESS: The party was the highest power, yes. Our Supreme Court held something similar and Pennsylvania, in connection with the caucus and convention system.

Q. There has been no case litigated under this law? A. No, I do not know of any.

A VOICE: Yes, there has been one decision — a litigation on this matter.

The WITNESS: On that subject?

A VOICE: Not on that particular bill. Calling for a recount. Down in Draper county; Griffin and the men who ran against him, you know. That is the only time it has been in the Supreme Court.

By Judge KNAPP:

Q. Governor Stubbs, do you think that the effect of this law has been to uncrown the political boss or leader? A. Well, I don't think it has put any political boss or any leader out of business who had merit or who had measures of value in the State. I think it has rather made it necessary for men to represent something of public interest in order to have the following, and that it has changed entirely the method of leadership. Of course, I do not believe there will ever be a law that will change in us the idea of having leadership and all that sort of stuff; but I think a man under this primary law has got to advocate policies

and represent measures and principles that he will gain the following by, and this law is directly contrary to that idea, in the fact that it wants publicity. The leader under this law has got to give publicity to his ideas; and under the old law it was all done by manipulation and by manœuvering in the dark, and the fellow who could go with gumshoes in the old method could win. It was necessary that no one knew his plans and all that sort of thing. Under this law, my observation leads me to believe that a man has got to have measures that will stand public scrutiny and present them to the people to be successful and have the approval of public conscience and public men to win under this primary election law. Of course, there is opportunity for manipulation to some extent by getting at several counties or things of that kind; men who represent the same ideas and divide up the vote. It don't take away the opportunities for men to be shrewd and all that sort of thing, I don't think; but I believe, on the whole, the man who succeeds under this primary law has got to represent the best interests of the public.

Q. Well, then, Governor, do you believe that in the State of Kansas that the Republican party organization and the Democratic party organization are as strong and harmonious and efficient and forceful now as they were before the adoption and trial of this primary act? A. Yes, I believe they are. I don't think it interferes in any way with party organization. In fact, I do not believe the Democrats have ever been as forceful as they were at the last election. (Laughter.) They had more spirit in the last election, it seems to me, than they had for years. I do not know whether that is true or not, but I am sure that we made a good hot fight here in Kansas — the Republicans did. It was about as hard a battle as I ever seen. Of course, I am pretty new in politics, you know — only born six or eight years ago in the political world. I do not pretend to know much about fundamental laws and underlying principles of political organizations.

By Chairman MEADE:

Q. Governor, was not the activity and enthusiasm on the part of the Democrats because they believed there was a split in the

Republican party and they had more of a chance of winning? A. Well, they may have thought they had some show to win. Of course, there is a division in the Republican party here in Kansas on what they call conservative and progressive lines, the same as there are in Ohio and the same as there is in Wisconsin, and the same as there is in Iowa, between Cummins, represented by Cummins and Dolliver, and I think Dolliver had probably landed over on the Cummins band wagon within the last six months, and all that sort of thing. But the same condition prevails all over the United States; it has nothing — not the result of primary law — of any primary law. You have got it in New York. Governor Hughes represents an element of Republicanism there that some other faction don't represent, that I know of, down there in New York. (Laughter.) And we ain't split up here as bad as you are, I don't think. (Laughter.) I think the primaries down there would do you good. (Laughter.)

By Assemblyman PHILLIPS:

Q. We presented a solid front at the last election. A. Yes, you done the best you could, and you are mighty glad that it was so, too.

By Judge KNAPP:

Q. What I was getting at was this, Governor. So far as organization is concerned, as you have already stated, you believe that the present political organizations of the State, the party organizations of the State, are just as strong and effective and harmonious and capable of work as they were before the primary?

A. Yes. I do not think it is a matter of primary. I do not think that the primary destroys the organization or system or efficiency at all. I do not — never have — believed that and I don't — and the working of this law to-day would not lead me to believe that, Mr. Knapp.

Q. What I was getting at was this: These new State officers or leaders have been substituted for the old ones? A. Well, not altogether; not altogether.

Q. To quite an extent? A. No; in our State officers — I was elected Governor and represented an entirely different element

in our party from several of the State officers that were nominated and elected at the last election. In our congressional — Hello, Matson, how are you? Have a seat, Matson.

Q. And would you think, Governor, that this system could be — A. Let me say one thing further. In our congressional delegation, in the nominations last year, there were two or three or four fellows that they kind of — there was perhaps more conservative men on our delegation than progressive men, if you would line them up and stand them up and inspect their views and policies; so that it has not torn up by the roots the situation here in Kansas at all, as I can see it.

Q. We are interested to know how the campaign is conducted by candidates for State offices. Do you organize a committee and bureau and so forth? A. Well, we have our State committee under this law. It is composed of 105 chairmen of county committees that are elected at the primary election; they elect from their number a chairman and secretary, who conduct a campaign just in the same way as an ordinary campaign.

Q. Are you referring to a campaign for nomination, Governor? A. Oh, no — election.

Q. Now the individual committeemen organize a bureau? A. Oh, no; it is a free-for-all. Every man living that can get enough men's names on his petition and can be a candidate, and can go out and advocate any policy he wants to.

Q. But he finds it, in order to succeed, necessary to use some influence and printer's ink? A. Oh, yes. They have all sorts of ways of campaigning, of course. It depends upon how much initiative a fellow has got and individuality and whether he wants to go around and visit all the families in his district or State, or whether he wants to make public speeches, or whether he wants to appeal with personal letters, through the newspaper columns; in all kinds of ways. Of course, we have had only one campaign, but there is a great variety of work done, you know, to secure a nomination.

Q. Well, was that the common practice in the campaign? A. Well, in the State, in candidates for State officers, there was quite a good deal of public speaking, and congressional officers; and in the county campaign for the Legislature there was quite a good

deal of public speaking and more or less advertising in the newspapers. A few — I know of one man who spent a lot of money advertising in the newspapers — it was Dumont Smith, out in his district there. He has a large number of counties in the senatorial district, and though he didn't win he is a very brilliant fellow; he did a tremendous lot of advertising in the newspapers; I never saw the like of advertising. But I do not know that I could give you any fixed statement.

By Chairman MEADE:

Q. To what do you attribute Mr. Smith's defeat, Governor?

A. Well, he has been in the Senate several times and some of the measures he had advocated were not very popular. And he undertook to explain his vote and he paid the newspapers down there for the publication of his views on all those public questions; and it was just an appeal to the people on his line of thought and his explanation of the situation; but he didn't succeed. And it seems to me that this primary election law gives a tremendous lot of opportunity for expression of public will and wish. I think it —

Q. As to the individual? But does it necessarily take up party principles and platforms until after the nomination? A. Well, a man, for instance — well, now, I do not know how it is in New York State, but in Kansas there are some pretty well-defined measures that are represented by our — the Republican party — and things that we stand for here; and the man who goes before the people as a candidate for Congress or for a State office or an executive office in the State, I should think he would have to advocate those measures and set forth publicly his platform; and then the people will vote for him or against him, as they approve of his ideas. That is the way the campaign is made in Kansas.

By Chairman MEADE:

Q. How long did this last campaign for the nomination last?

A. It lasted about a year with me. (Laughter.)

Q. And how long with the campaign for the election? A. Well, from the 4th of August to the 7th of November; something

like that; less than a year, I think, after the naming of the candidate for Governor; in December, may be, the primary elections were held in —

Q. Well, how long did the actual fighting campaign for nomination exist? A. Well, I was on the road practically all the time for six months. I spoke in ninety counties in Kansas, some of them four or five times; pretty well over the State.

A VOICE: Pardon me, Governor, the special session was held in January.

The WITNESS: Yes.

A VOICE: You didn't become a candidate for Governor until after the special session of the Legislature.

A. Oh, yes, yes. Before. I was a candidate in December.

By Judge KNAPP:

Q. I want to ask the Governor —

The WITNESS: Before the primary law was enacted.

A VOICE: I thought you were — I knew you were a candidate, but not for —

A. Yes.

A VOICE: I knew you were a candidate, but not for Governor.

A. Yes, I was a candidate for Governor. I made some speeches over at Emporia, Burlington and Concordia and Topeka, and made several speeches.

By Senator MEADE:

Q. Take the general ticket. How long did that campaign last?

A. Well, our State officers did not make much of a campaign outside of the candidacy of Governor. It was their second term and there was no opposition to them.

By Judge KNAPP:

Q. Do you think that this system could be extended to a much larger community than the State of Kansas just as easily as the State of Kansas? A. I do not believe that I know enough about city life to express an opinion about a great city like New York. Of course, you have a good many problems to deal with there; by

just with what I know about it I would be very enthusiastically in favor of a primary law in New York.

Q. You think it could be extended to the four or five millions of people in the city of New York? A. Well, that would be — while not knowing very much about city affairs, that would be my idea; it would be a great blessing to you and the whole people. Yes, I do think that.

Q. You have a very small percentage of illiteracy? A. We do not have any great cities in Kansas; 100,000 people is all the people we have in a city here; but in that State I do not believe, even in New York, you have ever had any rottener conditions in any of your wards than we have had in Kansas City. It was just as bad as it could be down there and the primary law done good there; done first rate. It surrounded the primary elections with far better conditions. I was surprised with the way it worked in Kansas City, Kansas.

By Chairman MEADE:

Q. I don't think you have the percentage of foreign-born voters that we have? A. Oh, yes. We do have a lot of foreign-born voters there, you know, in the packing house district. We have several thousand foreign-born voters in Kansas City.

By Judge KNAPP:

Q. As a matter of fact, you have only about three per cent. illiteracy in the State of Kansas? A. Very, very small.

Q. The smallest percentage of the Union, isn't it? A. Yes; it is the third or fourth on the returns.

Q. Your population is quite largely rural? A. Yes.

Q. And farming is the principal occupation of the people? A. Yes; although we have in the mining districts — we have 40,000 miners down in Cherokee and Crawford counties — a population of 40,000 people in there whose occupation is mining.

Q. Do you think this system could be extended to the nomination of the President of the United States — if it could be extended to 5,000,000 people in New York city? A. Well, I think it is only for State affairs. When you get into the presidential

nomination it involves the relationship — interests of — various States. I would not express an opinion about.

Q. Do we understand that the idea of the advocates of the primary system here is substantially that the parties exist for the purpose of formulating principles or platforms and have no interest whatever in the nomination of candidates as parties? Is that the theory under which this law is made? A. I do not just exactly understand you.

Q. The party councils do practically nothing but formulate platforms and principles; the State council or convention, whatever it may be called, they do not nominate any officers? A. Oh, they don't meet until after the officers are — the party council —

Q. Are nominated? A. Yes, they are the party council —

Q. So that — A. Now, I think I see what you want. We believe that the party council represented by 165 members of the Legislature and the delegates in Congress, United States Senators are nominated and the Congressmen are a part of this party council; 105 chairmen that have been nominated directly by a vote of the Republicans of Kansas — that when they come together and formulate what they say are the principles of the Republican party in Kansas, that it is a better expression of what the Republicans of Kansas stand for, than when a lot of delegates come in who have been, perhaps, the very same delegates over and over and over, from each county, for ten or fifteen or twenty years.

Q. But you don't — A. Is that what you —

Q. That is part of it. But you also claim that that party council should have nothing to say whatever with reference to the nomination of the candidates of the party — A. They have already been nominated.

Q. They were nominated upon their own — A. They are the nominations of the party themselves.

Q. And they are nominated upon their own application and initiative? A. They are nominated in competition with every other Republican who wants to be a candidate, and whenever they can secure a sufficient number of petitioners to entitle them to be a candidate under the law, and it is a free-for-all, and there is nobody barred. And all this talk about its taking a lot of money to be a candidate under the primary system is a mistake. The man who

had the least money in Kansas got to the United States Senate, that was nominated here —

Q. Well, who paid his expenses? A. Why he paid his own expenses.

Q. He stated it cost him what? A. About \$3,700.

Q. Well, that is some money in the east. A. Oh, well, I will bet that ain't within \$50,000 of what it has been costing the United States Senators to get the Legislature elected and to take care of the odds and ends under the convention system.

Q. You have seen the statements from Oklahoma and from Wisconsin as to what it cost United States Senators there, have you not? A. I have heard that there were very extravagant sums of money spent there, but I do not agree with the idea that a large expenditure of money is necessary or wise in making a campaign under the primary law. I think the things that you stand for, that you get before the public are going to win in Kansas — if you are right and if you stand for measures that are of value to the public, that there is going to be a ready response here in Kansas.

Q. Do you think the newspaper support counts for anything? A. Oh, well, very great, very great value. The newspapers have been apparently conscientious in supporting measures and men who stand for popular measures in the interest of the public.

Q. You think they are not influenced by financial considerations at all? A. I don't believe they are, no, I don't; of course, occasionally there is one that is. I think we have a few papers that might be classed in that, but the great majority of them, hundreds of them, I think, that are conscientious; and the most influential papers, the papers that count for very much in Kansas, are not at all influenced by financial considerations, in my judgment. Some of the papers that seem to represent big financial interests — (Come in, Mr. Flagg. Mr. Flagg, this is Mr. Knapp. Mr. Flagg is a member of the Legislature) — I am (I am not able to visit you for a few minutes).

Q. The newspapers as a matter of fact do reap very large benefits financially from the operation of the primary system? A. I should think it would be a fine thing for the newspaper business. If I was in the business I would be for the primary law.

Q. They are all for the primary law, are they not? A. They are not all, no, sir; some of them are very bitterly opposed to it.

Q. Do they have any patronage? A. Do they have any patronage?

Q. I mean from the advertisements of candidates? A. Well, no. There was not any big lot of advertising in big newspapers here that I remember of last year. I don't believe I spent \$100 in advertising, and I don't think I spent \$25 in advertising in newspapers until the last few days. There was a lot of fellows that got their — I did myself, as a compliment to the newspapers who had supported me right up at the very last end — I think I gave them \$50 to put my picture in the papers (laughter). But I will guarantee that I did not spend \$100, and nearly all of it was at the very last of the campaign — I think the *State Journal* or the *Capital*, I don't know which — maybe both of them.

Q. May I ask you, Governor — we had a statement this morning — a clipping from a newspaper purporting to be a statement of your expenses at that time; is that substantially correct? A. Well, I don't know what it was.

Q. The *Kansas City Star* — \$3,700 and something? A. Well, something like that; yes.

Q. May I ask if — A. But you see my campaign was for almost a year. I opened a headquarters here, I had a very heavy fight on my hands in Kansas, and I had a heavier expense than would naturally come to a man who was in the campaign I think in the ordinary way. We had — there was a big combination of interests here that had prevailed in Kansas for a long time, that were not for me in the campaign, and I made the campaign, on foot alone, pretty much for six or eight months here — that necessitated my going throughout the State as much as I did — I did not have any organization to start with — I think that a man would not necessarily under ordinary circumstances, need to make as much of a campaign as I did. But I wanted to be sure of winning so I gave a great deal of time to it (laughter).

Q. You have spoken of the candidates making their platform and stating their principles in advance of the meeting of the council of the party. Does it happen, or did it happen that the candidates stated principles or platforms that were not consistent with the platforms subsequently adopted by the council? A. Well, I — The platform of the party council was entirely consistent with the

one I made the campaign on during the campaign for nomination. I do not think that there was but one vote against our platform in our party council, and that was pretty largely on account of our Bank Guarantee Law.

By Judge KNAPP:

Q. That was made one of your planks of your platform? A. Yes; Senator Long was very rabidly opposed to a primary election law or to a bank guarantee law. I think he voted against the ratification of the party council platform, and it is my recollection that it was on that account. Was it not, Mr. Lamont?

Mr. LAMONT: He made a motion to do away with that, or made it in some way. Now as I remember, he was the only party who voted for it, so that made only one vote.

By Judge KNAPP:

Q. Do the candidates advocate anything in addition to the platform in their ideas? A. Oh, there are the — the ordinary struggle, I think, in convention, either for measures — I don't remember the details — just what — Do you remember, Mr. Lamont?

Mr. LAMONT: I think everything went in unanimous.

Assemblyman PHILLIPS: Pretty much unanimous, that is.

By Judge KNAPP:

Q. I meant after that was all over and done and fixed, then did the candidates add to the platform any ideas of their own? A. Well, he had a right to, of course — just like Taft went out here after the nomination at Chicago and he made a little additional plank to the Republican platform; he interpreted it to mean a lot of things that are not specified in words there in the Chicago convention, and I suppose these — I do not remember any particular thing, but he would have the opportunity to do the same if he thinks of it — this is in substance a convention, you know, but it has come in a little different form. We think it is more representative.

Q. Is there the feeling here in favor of what is known as the referendum, initiative and recall? A. I do not think there is.

By Assemblyman PHILLIPS:

Q. That was not in your platform? A. No. There are, of course, it has advocates here and all that sort of thing, but you ask for a general sentiment. Well, I don't know of any.

Q. Is there any general agitation for that? A. I don't know of —

A VOICE: I don't know of any, not to amount to anything.

ANOTHER VOICE: In the Legislature last fall.

A VOICE: Not among Republicans and Democrats.

The WITNESS: Yes.

By Judge KNAPP:

Q. Well, there is such provision in the commission government for cities, that is, they have for some cities, is there not? A. Yes. In first class cities, isn't it, Mr. Howes?

Mr. HOWES: First and second.

Judge KNAPP: I have nothing further to ask the Governor.

By Assemblyman PHILLIPS:

Q. I would like to have, if it is agreeable to the other members of the Committee, the Governor briefly now — of course he has answered the questions — briefly state to the Committee the good results obtained from the direct primary system — any improvement over the old system, if he cares to make it, a sort of resumé of it. He has had largely to do with it and advocated it and was a nominee under the system. I would like to have what he thinks approximately about the direct primary plan.

Chairman MEADE: You were nominated under both systems, were you not?

The WITNESS: Not for Governor.

Q. For any office? A. I was nominated for the Legislature, yes, three successive terms.

Q. Under the convention system? A. Yes, yes.

Chairman MEADE: Now go ahead and answer.

Assemblyman PHILLIPS: If you care to do that. You have simply been asked questions and were interrupted. If you have any statement to make — a sort of brief review of the operation of the law in Kansas, what good it has accomplished, what it has done

in reference to eliminating some of the evils that existed here for years, whether or not there has been a general improvement in the class of candidates that have been nominated for the Legislature, for municipal and county offices, etc.; also upon the question of expense, public expense? A. My impressions are all very favorable of the law from what I have observed of its operations. It has more than met the most sanguine expectations of its friends and advocates in Kansas. It has given the voter, the individual voter, an importance that he never had under the old system. Under the old system a few men — (How are you, sit down, won't you?) — a few men would meet in a railroad company's office and select the candidate for Attorney-General, the candidate for Auditor and the candidate for Congress here; and the thing was in the hands of a very few people; and their organization was so complete that they could bring in men to the convention and make those nominations go almost without — there was not very much chance for a vote against that sort of thing under the old system of politics here. Under the new order of things it seems to me that the whole party, the voters of the whole party, have got to be consulted and the thing has got to be got up in daylight, for the ratification of the people, where everybody can see the fellow and discuss his qualifications and characteristics. He has got to get a petition and be a candidate and it has got to be filed a given number of days and the people know all about it and understand the whole proposition. I think it is the most important law that has been written on our statute books in the interest of the general public for many years. I think it gives us a new government of the people and by the people of Kansas. It gives the people a chance to change any wrong that they want to change and to change it quickly; it takes the people and it takes thousands — it takes thousands of men, it interests thousands of men where before only a few were interested. And the rank and file of the people in Kansas did not have much to say about who would be the candidate by either party. It was only a few. With this law there has been a general movement here in Kansas that has to operate the government and party management and public affairs of the State from a public point of view, to cut out every little selfish interest that was common under the old spoils system of politics.

There are mighty few men that are getting any special privileges or special advantages in Kansas under our present form of government. And I am very much pleased, indeed, with the Primary Election Law. Of course, we have not tried it very long and it may develop weak spots in it that we don't know about.

By Assemblyman PHILLIPS:

Q. I have observed in some of the states where the direct primary system prevails — some of the criticisms are directed — that is to say, there is not the same opportunity for the office to seek the man but rather it is the man seeking the office. What do you say upon that point? A. Well, when you talk about the office seeking the man under the old convention system (laughter) it did seek him, but it sought him in rather a peculiar way, you know (laughter). Mr. Lamont can tell you a lot more about that than I can (laughter). He knows more about it and I would be glad to have him tell the whole story.

By Judge KNAPP:

Q. Governor, speaking about the spoils system, tell us as to whether the friends of the successful candidates got jobs or not, or doesn't that make any difference (laughter)? A. Well, now, since I have been Governor I have appointed a good many men to office, and I have been under the impression that fellows who believed in the things I advocated and stood for were really the best fellows for office (laughter).

By Assemblyman HOWARD:

Q. Would it be possible under a system similar to the one you have here to frame a plan of fixing the platform prior to the nominations, or if that could be done, have you any idea it would be a benefit or a detriment? A. Well, I like very much our plan. It pledges the men who are going to do the work. They themselves go before the people and they say, "Here is what we propose to do for you if you elect us to office." But if in a convention some other fellows pledge him to do it when they are elected they may say, "Well, I did not in fact approve of this thing." But if they are going to be candidates for the Legislature and say, "We will

enact a public utilities law here in Kansas and we will enact certain other laws here in Kansas and all vote for that thing," it seems to me it makes the situation a little stronger than it would if a lot of political leaders had got together and made those plans themselves and then nominated those fellows. I like our plan of making that platform.

Q. My idea was not to have a number of political leaders — but if there was some plan whereby all of the candidates for office prior to the primary and say your committeeman who had been elected the year before, your chairman of your county committees could formulate a platform that would be in accordance with the ideas of the majority of the candidates at that time. A. Well, now, then, you see where that would lead you. Here would be the candidates for office in Kansas. Let us take the Congressional district up here, Calder, out in the Fifth district, represents the older, conservative ideas and all throughout he is for Cannon, first, last and all the time and for all the things that the conservative fellows have. Suppose he has two opponents who represent progressive ideas and they would get together and undertake to make a platform before they were nominated; you see you would be all mixed up. After that Calder had gone before the people — just using him as an illustration — he is a great big fine fellow, has lots of good qualities, although I don't agree with his ideas, a good many of them — but after they had adopted this out in their district, and the people of the Fifth district, as I said, Calder is representing, or Mr. Jones or Mr. Smith is representing, and have nominated him; and the same thing has been done in all the other Congressional districts; the same thing been done in all the Representative and Senatorial districts; and in the State officers the fellows who have been nominated stand for certain principles and measures and come down here together — what do they represent? They represent the predominant element of their party in Kansas and they are pledged to do certain things in this preliminary campaign and they get together and formulate those ideas into plans and measures and principles, which become a platform of the party. And it seems to me that it is an ideal way of getting an expression of the wishes of a majority of the Republicans.

Q. Your convention or council which is held after the officers are

nominated might make a platform which would be as repugnant to the Congressman that you just spoke of or to the people in his district as one made before. That platform which you would adopt would be for State issues only, would it not? In a question as to what the Congressman should do representing a particular district. A. Well, they will endorse certain things that they are interested in in Congress; but of course, the Congressman is not bound by anything that this convention does or the Legislature does here.

Q. Yes. Now, let me ask you would it not be possible for a convention, composed as yours is, of the candidates for office to make it very embarrassing for the chief candidate or the candidate for Governor? A. Well, if your question implies that the fellows might be nominated for the Legislature, which is the largest part of the men in our party council.

Q. Your county chairman? A. And county chairman, who were opposed, whose sympathies were not with the chief executive of the State.

Q. Yes. A. That is, he would represent one branch of the party and they would represent another and that might be true; at the same time, you know, you can't —

Q. You have only had an experience of one year? A. No. We have only had that.

Q. Now, I ask you — human nature is a good deal the same here — I can cite you a case in my own State where the Governor last year and the candidate for member of Assembly were only two votes apart and the Governor has advocated certain principles, some of them in antagonism of the State platform and the candidate for Assembly had absolutely opposed them all through the campaign; still they ran within two votes at the election — A. Yes.

Q. Is it possible in the event of a close contest between political parties for the electors at the direct primary to so distribute the balance of the State ticket — I mean eliminating the Congressman and your State legislators and all but simply that State ticket, so distribute them over your State as to bring this greatest strength about your candidate for Governor? A. Well, now, Lamont, what is your idea about that?

Q. Now, for instance, I will make an illustration of my own State. A. Yes.

Q. The vast majority of the people demanded, very strongly, Governor Hughes' nomination — A. Yes.

Q. Would it have been possible for the electors of that State to so have distributed the other seven State officers throughout the State — and you remember the interests of the State are very diversified — A. Yes, I know they are.

Q. So as to bring the greatest strength to Governor Hughes in the direct primary? A. Now, when you say "possible" for the electors to do this, how could they do that in a primary election, how could you get in concerted action?

Q. That is what I am asking? A. No, I don't think so. I do not know of any way, but if you have any suggestion I would be very glad to hear it.

Q. No, I wanted to know. A. I do not know of any way they could do that.

Q. In other words, then, the demand being so great for the leading candidate the other candidates for office might be nominated from any section or all from one section in a State like New York with its large number of officers? A. Yes.

Q. As against the rural districts? A. Yes.

Q. So as to place the whole ticket in the one congested district of New York city? A. Yes.

Q. Now, can you think of any way to overcome that under the direct primary system? A. No, I do not know — except this — in Kansas it don't seem to me that there is much danger of State officers being nominated from one district — voters all generally have a respect for the rights of different localities.

Q. Yes? A. And the question if they had a dozen candidates for State offices, which they probably will be down in the eastern part of the State and only a few out west, only two or three or four offices out west, I think those western fellows would have the preference among any — for the offices they have sought out there, I don't think, of course, we have got that number out —

Q. Yes, you would have some others under this system — A. But I do not look to see anything here like what you suggest in our State.

Q. But you have not the situation that half the population of your State is in one — A. No, I don't pretend to be a judge of your State.

Q. If you succeeded, even in Kansas, in picking your candidates throughout the State, would not that be due to the activity of the political parties and not to the foresight or thought of the individual voter? Is that so? A. Yes, it would be due very largely to what you would call the local fellows — like Matson, over there — living out at Wichita, and a lot of fellows that are scattered all over the State, everyone — they can't all probably have a candidate out there, and they will get behind a candidate out there and the rest of the State will probably respect in a measure their choice in that matter; and they won't have, perhaps, more than one candidate for some certain office. And I am inclined to think in this State that there is not very much danger of the candidates all coming from the same county.

By Mr. PHILLIPS:

Q. From the large centers of population? A. No, from the large centers of population; no, I don't believe that. No, we had a man, a candidate for Attorney-General here, from a densely populated district, and he did not get many votes last year, and he was against a very popular candidate here in Kansas; and there was nothing happened at the primary election that would look serious in that respect.

Q. Where did your opponet reside, for the nomination? A. Right here. Lamont, residing in Donovan county.

Q. You reside at Lawrence? A. At Lawrence. We both lived in the eastern part of the State; yes.

By Assemblyman HOWARD:

Q. It would be necessary, then, in the distribution of candidates to rely upon those who made really a business of politics, or who were interested personally, to distribute the candidates? A. Well, they have a good deal to do with the support of the candidates — of course, that is true. I don't think for a moment that this primary election law is a revolution. I think it has a lot of advantages to the general public. I do not think it destroys at all the

influence of a man who is a leader in politics if he has merit and has something to advocate.

Q. If he stands for the right thing? A. Yes; I think it really gives a man a better opportunity. I think it — one of the strongest features of this primary election law, to my mind, is the proposition that any young man or old man or middle-aged man who has a meritorious proposition to go before the public with, that he has a chance to be heard on that proposition. And the public have got to decide whether there is merit in it or not, and not a few fellows. I think that is the best thing in the primary election proposition — is the opportunity it gives to men to be heard on questions of public interest.

Q. Governor, have you had any experience in the State here, for minor offices — county, city and minor offices — with men who could get the few required signers, and who do that for the purpose of being induced to withdraw as candidates? A. Well, there were some cases that looked suspicious. (Laughter.) I have no doubt that will happen more or less; it might happen, you know, and probably will — we don't advocate this as a perfect system at all.

Q. What we are getting at is, that it might happen? A. Yes; I have no doubt that you might meet with it.

Q. In Massachusetts, while they require no registration of voters as to party, they do prohibit a man voting a party ticket of another party within twelve months after the last time he voted at a primary. Would that obviate any of the trouble that has been suggested here of partisans taking part? A. I do not think that we are going to have any great trouble here with Democrats voting the Republican ticket, or Republicans voting the Democratic ticket. There was quite a little bit of it at the first election, but you let the Democrats vote the Republican ticket here and let there be a two hundred thousand Republican vote cast at the primary and 30,000 or 40,000 Democratic, and the Democratic party is busted or going out of business. I do not apprehend any trouble at all from Democrats now for the Republican party.

By Judge KNAPP:

Q. That is the claim made by the minority party in such places

as we have visited, that their members will, in spite, of the leadership, participate in the contests of the Republican party and that by participation in those contests they become so interested that they ultimately vote the Republican ticket. A. Well, we are willing to let the Democrats vote the Republican ticket out here. (Laughter.)

Q. Perhaps from our point of view that is true; but the Democrat sees the disintegration of his party, and the two parties, if evenly divided, are a good thing. A. Well, the Republicans might vote the Democratic ticket. We will stand the same chance of losing it that they would, you know.

Q. It is the minority party that participates in a majority party's contests; that seems to be the tendency. I wanted to ask you, Governor, if you had estimated the percentage of the vote cast at the election of the Governor, voted at the primary in this State at the first of April? A. I don't remember.

Q. Have not an idea? A. No. Mr. Lamont, do you remember how many votes we had cast.

Mr. LAMONT: You have got it right there in the report.

Judge KNAPP: It was forty-five and one-third per cent.

The WITNESS: That I don't remember.

Q. The whole State on these figures, forty-five and one-third per cent.?

The WITNESS: Well, how many Republican votes were cast in the primary?

Judge KNAPP: One hundred and sixty-nine thousand, nearly 170,000.

The WITNESS: In the election?

Mr. LAMONT: I do not remember, Governor. There were 123,000, about.

Judge KNAPP: I have the report of the Secretary of State, in which he reports the total vote cast for Governor of all parties at the primary election, August 4, 1908, 169,634 — the total vote cast for Governor of all parties at the general election —

A. Oh, well, that is not it. You take the Republican party now. The Democrats did not vote at all for their candidates and they did not have it in detail. They did not care.

By Judge KNAPP:

Q. Well, that is the proportion of the entire vote? A. Yes, of the Republican candidate. Of course, the Democrats did not expect to elect anybody Governor, so they did not give it right.

Q. A large proportion of Republicans voted. A. You take the Republican vote for Governor here — Mr. Lamont probably can give it exactly.

Mr. LAMONT: One hundred and twenty-three thousand.

The WITNESS: One hundred and twenty-three thousand. And how many votes did the Republicans get at the election?

Assemblyman PHILLIPS: You have got that there?

A VOICE: I guess that they had 175,000.

The WITNESS: You see, there was where we had a fight. That means, Mr. Knapp, that the Democrats did not feel that they had any chance to elect their candidate and they were not interested in the nomination. It went by default. But the Republicans had a real contest and they came out and made a fine Republican vote here for nominations of candidates for United States Senator, for Governor and all down the line. We had a fine vote here.

Q. Do you think that a contest of such a character, so bitter as to raise up and perpetuate factions in that way — A. Not at all. I think it does us all good.

Q. They are all good friends afterwards? A. Yes. We find out our faults and failings a good deal in these contests, and I do not think there is any trouble at all on that line. It don't look so to me.

By Assemblyman PHILLIPS:

Q. Governor, has there anything occurred in the State, either in county or congressional districts, where we would see the successful — or the man who was defeated at the primary nomination — his followers have set up an independent nomination? In other words, are the electors, the Republican electors, bound by their vote at the primary? A. Well, I think they are as much bound under this system as under the old system; fully.

Q. The reason I asked that was, we had a case in Pittsburg where there were two candidates for mayor. The successful can-

didate won out by about 20,000, because that is largely a Republican city. A. Yes.

Q. They both spent a lot of money. The successful candidate spent \$22,000 and the other man \$32,000. It was claimed by the successful candidate that the men who had taken part in the primary did not consider themselves bound, although he had won the primary by 20,000; that the friends and followers of his opponent and the independents were against him. A. Well, that might happen under the old system.

Q. Oh, surely. A. That does happen. I presume that happens under the primary system, but not more likely, and I do not think it is as likely to happen. Why? Because everybody has a chance to vote under this system, and the American people believe in the majority rule; and when they have a fair vote, as they do in Kansas, and you elect, they come in and support the ticket.

By Chairman MEADE:

Q. Would they not feel very much aggrieved, Governor, to find that a very small plurality had nominated their candidate for Governor, or for Congress, or for Senator? A. Well, now, what do you mean by that?

By Judge KNAPP:

Q. Of course, if a dozen candidates for one office — A. Yes; and might there not be the same thing under the convention system?

Q. No; that is a majority of delegates.

By Chairman MEADE:

Q. You say the people believe in a majority rule in this country? A. Yes.

Q. But they would not, in this case, would they; it would be plurality instead of a majority? A. Well, this was their law and they are working under the agreement; they all agreed that the fellow who gets a plurality of the votes shall be the nominee of the party.

Q. That is true; but Mr. Phillips's idea was that the majority that saw a minority candidate had been nominated might feel very

much dissatisfied to think that they had been overruled? A. Well, this candidate must have a greater number of votes than any of the other candidates. He has got to have the largest number of votes to be nominated.

Q. Larger than any one candidate? A. Yes.

By Judge KNAPP:

Q. For instance, I think Senator Meade is speaking of that at the November primary in the Fourteenth precinct of the Third ward of Kansas City, the man who was nominated for city attorney out of four candidates got 1,570 votes and his opponents got 3,127. The man who was nominated for marshal of the city court got 831 votes and his opponents got 2,061. A. Yes.

Q. In that case the majority was against the successful man by a long — A. Yes, the man — that might happen.

Q. We found that happening in Pittsburg and Philadelphia and in the rural counties of York and Lancaster and those places to quite an extent. A. You ought to hear John Dawson tell about the way they nominated men for State officers here under the old system. John, you ought to give them a little bit of history. (Laughter.)

By Chairman MEADE:

Q. You had no legal safeguards under that system at all, had you? A. Well, the party was the whole thing.

Q. But they were not regulated by statute? A. No.

By Assemblyman PHILLIPS:

Q. Of course, there are some men that believe there should be no statutory regulation of voluntary organizations? A. Yes.

Q. And that it all should be fought out at the polls? A. Yes.

By Chairman MEADE: Any other questions anybody wants to ask of the Governor; if not —

By Assemblyman HOWARD: I just want to ask the Governor one more question. Governor, would the perfecting of the old system of caucus, by calling it fair and open for a given number of hours, everybody could vote by ballot and have the right to express on their ballots the instructions to the delegates, do away with some

of the evils that existed here prior to this? A. Well, we were not in favor of that here on this theory: We thought that it would be in the way of getting a *bona fide* primary election law, and we did not think it would really — that it would still leave the opportunity to juggle with the delegates.

Q. With the delegates? A. With the delegates, yes.

Chairman MEADE: Anything else? If not, we thank the Governor very much.

Governor STUBBS: Gentlemen, I am glad to have had this opportunity.

CYRUS LAMONT, JR.:

By Judge KNAPP:

Q. I want to ask Mr. Lamont a few questions please. You reside in the city of Topeka, do you? A. No, my home is in Donovan county; I have been here on special business sometimes.

Q. Is there a large city in your county? A. No, sir.

Q. A rural county is it? A. Yes, it is, on the Missouri river right opposite St. Joseph, Mo. It is one of the old counties of the State, and no cities. We are quite close to St. Joe, 16 miles north; it has no great city, only a few little towns.

Q. You have been identified with politics to some extent in this State? A. Somewhat.

Q. For years? A. Yes.

Q. For how many years? A. I was in the convention here in 1864 and I have been to every one since.

Q. State conventions? A. Yes, yes.

Q. Have you held any public office? A. I have been in the Legislature several times. I was elected to the Legislature while I was in the army in 1864. The legislators received three dollars a day and mileage and they served fifty days once in two years.

Q. Then they got \$75, and if there is a special session then they got \$3 a day for that? A. Yes, sir.

A VOICE: But not exceeding thirty days.

By Judge KNAPP:

Q. What is the State tax — you have that tax here? A. Yes, I think it is here; about \$3,500,000.

Q. At what rate? A. The rate last year was about nine-tenths of 1 per cent.

Q. For all purposes, that is for all State purposes, you mean?

A. Yes.

By Assemblyman PHILLIPS:

Q. About how much money did you raise by direct tax for State purposes?

A VOICE: It is all raised that way.

The WITNESS: We are getting a few corporation taxes now, but it has never been of sufficient importance that we depended upon it at all.

A VOICE: We have an inheritance tax.

The WITNESS: Well, that has just gone into effect a few weeks ago.

By Judge KNAPP:

Q. Mr. Lamont, were you a candidate for Governor in 1908 against Mr. Stubbs? A. Yes.

Q. And conducted a campaign? A. Yes.

Q. Under the primary law for nomination? A. Yes.

Q. Will you state what was the method of campaign conducted by candidates at that time? A. They were required to get up a petition and then they could be candidates if they had sufficient names.

Q. After becoming a candidate, what was the mode of procedure; were there committees organized in this county? A. No; there were no committees. When the primary election was held the candidates were elected.

Q. I mean, committees supporting this particular nominee?

A. No, no.

By Chairman MEADE:

Q. He means, how did you go out and get votes for the primary nomination? A. I opened headquarters here and I sent out through the mail to friends of mine in different counties.

Q. Did the candidates have headquarters, secretaries, representatives, etc? A. Well, the representatives in their own end of the State would have their office in their own county. The con-

gressman went on in his own district, and the other candidates on the State ticket, outside of the Governor, and candidates that had been renominated, were selected under the old system of conventions and had served one term and now they were candidates under this new primary law, as had been the rule in the State to give State officers two terms, they were not required to make much of a campaign; some of them did a little by going out, but didn't make much of a general campaign; I think principally the Attorney-General did some work like that at that time, but the others didn't.

Q. What do you say as to the amount of work put upon the candidate for Governor? A. Well, he would have to work all the time, pretty near, after he started.

Q. For how long? A. Well, the primary election was the 4th of August, I believe, but it started in March or April and we had to have time to go over the State.

Q. And work continuously from that time until the primaries? A. Yes.

Q. Is the work principally speech making? A. Yes; speech making and visiting the people; getting acquainted with the people in the little towns, when they had a meeting.

Q. And newspaper publications were there also? A. Yes, sir.

Q. And also circulars sent out from headquarters? A. Oh, yes; all such things as that.

Q. Did those things exploit the peculiar qualifications of the candidate? A. Well, I don't know, I expect they did, some of them. (Laughter.)

Q. You have seen some of them? A. Some of them would have a long platform, and it would bother him to talk about the platform some, because I suppose he would have to stand upon the platform that was made when he was nominated, but he was not nominated upon a platform so that we thought the National convention would give us a State platform from which our council could make up a platform he would have to agree to, which we did and from the State committee also.

Q. The National convention did not put in a bank guaranty plank, did it? A. No; a good many states put in things they didn't have, and we did not have anything to conflict with that in the National platform.

Q. So you put one in here? A. Yes, sir.

Q. What do you say as to the expense, individually? A. Well, I don't see how they can get through a campaign for that length of time for any \$4,000 or less. I think General Bristow did that because he did not have the money. But I do not see how. Mr. Stubbs is a very liberal man; I do not see how he could get away with \$3,700 or \$3,800; I suppose the papers got all these things — but maybe he did — of course he can tell; he can send that out.

Q. Well, there is no law requiring a man to keep account of these things? A. Why, yes; they have to make an account and publish it.

Q. Not as a candidate for the nomination? A. I thought it was legal —

Q. No.

By Assemblyman PHILLIPS:

Q. Well, they did it?

By Mr. KNAPP: It was simply furnished to the newspapers.

The WITNESS: Yes, I suppose it was legal.

Q. There is nothing in the law — A. There is one for the election.

Q. Nothing limiting the kind of expenditures — the things for which it can be expended, so far as I can observe, at any rate. If I am mistaken I would like to be corrected.

A VOICE: You are all right.

Q. That is the candidate for nomination if he fails to put down some things, why there would be no — A. No words about it.

Q. No requirement of reports or anything of that kind? What do you say as to the comparative expense between the nomination sought under the direct primaries provision and that obtained ordinarily in the convention? A. Well, it would cost much less in a convention.

Q. And were you in the Legislature at the time of the passage of this act? A. Yes.

Q. And voted for it? A. Yes, sir.

Q. Will you state generally what the vote was; whether it was — A. Well, we had this fight in 1905-1907, and they passed

the law in the special session of 1908. I voted for the primary law right through, everything that came up, and voted for it when it passed, of course, and before it passed; it went before the House. We had about seventy votes for it, maybe a little more, seventy-two maybe; but it passed the House. I said to Mr. Stubbs to secure all the reforms all the way, I voted for all the reform measures myself (laughter), but it did not do me any good particularly. But I was anxious to win and I said to these gentlemen, "Let us go on now," and a bitter fight we had in the Senate; the Senate was against us, really against us, and at that time fighting, and some of them were afraid to adjourn, and we passed the primary law. And I said to the House, and I said to some of the members that were for this primary law, "Get up a paper here in which we sign that we will stand by this law as it is and we will get one over in the Senate." We got up the one in the Senate and one in the House, and we got seven to stand, and two members -- it took this number to pass the law in the Senate -- that hung off a day or so; we had a committee, a conference committee, and the conference committee were appointed by the speaker, and he appointed two Republicans and one Democrat. The two Republicans he appointed were the other way -- they were not for our law. Of course, the Senate, they had authorized all of them the other way and we got on to that. I went to the Democratic headquarters and told them to get their member to stand out and not to agree; and he posted us what they were doing, this member; and they called their friends together and told him to stand for it, and he reported to our two Republicans that were appointed by the speaker of the House -- as I understand it, you gentlemen know that the party that wins has a right to have the conference committee of their own faith. We did not get that. But that is one reason that I wanted this to stand out, because we were going to raise Ned there in the House if they reported the other way, because we would have a majority. And finally I went over to the Senate and got -- finally got the names of a sufficient number for it. That was the hottest fight in my life, in order to get enough -- we had to have twenty-one votes in order to pass the bill in the Senate -- forty votes within a specified time. We went to talk with certain people and they would not give con-

sent.— Mr. Stubbs, myself and Mr. Bristow and somebody else came in there, one, two or three more, and they just said: “We give it up; what do you want?” “Well,” I said, “we want to amend it a little.” Mr. Stubbs said “No.” He was pleased to think it had passed, you know, I guess — it was pretty near gone for a while. He said “That will do just as it is.” Bristow said no, he wanted to change it. Well, we did not change it and we passed it just as we did.

Q. How was the vote in the Senate upon it — A. Then we got more than that — probably three or four more than that; but there was a great many men opposed to it; but we got most of them in the Senate after we had won. What I wanted to change in the bill was this: That when a man signs that little statement that he is going to vote for his party, you can’t question him.

Q. That is the voter? A. The voter at the primary. He votes that and you can’t say a word. You know this law — you know that he voted the other way, that he has voted all the while, that he is going to vote the other party — any man could get up an independent ticket; he wants to help somebody of that kind, to nominate somebody, I guess, and he is not a Republican, but his vote goes just the same. Another thing that I wanted protected was that the judges could refuse his vote if they believed he was lying, if it was thought that he was doing that thing. I believe in taking him a little on probation. I do not like these fellows who will vote both sides and then get up another thing. I wanted it so that when that man voted the primary ticket there could be no other ticket made up and no independent ticket — there is a clause in there which provides for an independent ticket if anybody saw fit — our primary law — or in the county where the Republican majority is strong, the Republicans were dissatisfied with the independents and some of them had in some of the counties, the Democratic county committees held conventions and divided the nominations for the county offices between the two parties, the Independents and Democrats, and they got up under petition an independent ticket; that is the way they have done in several counties. I think when the primaries are over on the 4th, that they are not to have any ticket. I am willing to let them vote in the primary, and after that there is no more ticket to vote for. I do not believe in giving the sore-head people —

By Assemblyman PHILLIPS:

Q. What are you to do with the people that don't care to vote for either party? A. Oh, he is no good then and I don't have any use for him anyway. (Laughter.) Just like a bushwacker during the war (he may hold a horse once in a while and once in a while he won't). Now, I want to say right here, my county gave — they had an opposition in my county for a county ticket and on some other things, but my county gave Mr. Stubbs the largest majority of any county in the State. And I never voted a ticket in my life but one ticket, for this State ticket nor the congressional ticket. I believe when the fight is over, if a fellow is a good Republican we ought to stand by him. And I believe for that reason, that the law ought to be so that the party is protected.

By Judge KNAPP:

Q. Did you observe whether the Democrats to any extent participated? A. Oh, yes, some of them. I know that there was Democrats that would talk; they would say they were going to vote the Republican ticket this time in the primary and they voted it.

Q. No way to prosecute them? A. No.

Q. Are there any other features of the law — A. Well, those two things that I have just stated were the only two that I thought are altogether wrong — that when they got through with the primary that ought to end the ticket business.

By Assemblyman HOWARD:

Q. It appears, Mr. Lamont, that there was a very large percentage of the Republicans of the State participated at the last primary? A. Yes.

Q. At that primary there was a very hot contest? A. Well, yes, and I will tell you one reason for that; it was the first time that all the county officers of the party were nominated by the primary; also when you have it down to township officers and everything else up to President, that year — you know, Congressmen ran and all that — why it brings the people out.

Q. Now, in the Democratic party there was not a very hot State contest, was there? A. No.

Q. And a very small percentage of the Democrats participated? A. Yes.

Q. Well, now, is it a fact or isn't it, that under the old system when there was a hot contest, that a large number of people participated of either party? A. Under the old conventions?

Q. Yes. A. Well, in some counties they did. Now up there in some counties — in my county, for instance, they would open the polls at each precinct, and if it was a town of eight or ten hundred people, or five or six, the polls would be open from 2 to 7; in a little place where there was a small vote case, they would leave it around 3 p. m. in each precinct, and then at 5 o'clock that day everybody was counted — two or three hours — and they would have a county convention of from 100 to 150 people; some counties, of course, a larger county, would have a convention of from 100 to 200 people; that was a fair representation. In those counties people would turn out pretty well. That would make it so that we would elect a delegate to the convention who would nominate county officers, and at the same time select delegates to the State convention and the Congressional convention. But now, the reason that old system was not right in some ways, why the Governor here thinks — they don't do that all the time — get into an attorney's office — a railroad attorney's office — and made up the ticket. Of course they come pretty near it that way on several occasions — for instance, away back in 1864, why the man that was nominated, why everybody wanted him; there was no such thing as railroad influence in those times; there was not until 1880, because they were building railroads; everybody was for railroads and voted — but the railroads began then to be afraid of the Legislature and to look to their interests in the Legislature, so as not to have severe laws passed; and the railroads kept up this prohibitoin fight for a few years with St. John, who tried to run him the third term just to keep off the people from thinking about railroads and freights, etc. They would do all that kind of thing; so they did take an interest in the Legislature after that, more or less.

Q. You have not had any instances in this State, have you, like that they have in Philadelphia, where the majority party nominated one of their own men on every one of the tickets at the primary? A. At the primary, you say?

Q. In Philadelphia they put some men on all the tickets.

A. Oh, no.

Q. At the primary? A. No, no; on all the parties?

Q. On all the parties. (Laughter.)

By Chairman MEADE:

Q. When you were in the Legislature you voted for this bill supposing it to do certain things? A. Yes.

Q. What? A. Well, I thought the people wanted it, because the organization, the Republican organization in this State had got to be pretty rotten. I knew them, I belonged to it, I had belonged — I helped to elect Senator Long. Less than a year after he was elected — I did not know the whole thing, but I knew that something was wrong — I never met with him — in the caucus fight that year — the primary now — the last caucus I ever met with him, he controlled the machine a few months after he had been elected. But after that election he had his organization and they took everything, and they had fellows over the State that knew how it was run. Governor Bailey was nominated before Long was elected, but he helped to elect Long through patronage and otherwise, and Bailey was elected with every railroad in the State against him. Now there is — I want to just state, they don't always come in. Stanley was elected in opposition to the railroad man nominated, and the first caucus votes the first eight — six or eight — who were elected, were under railroad influence. But Long had a machine; he had the railroad company vote, and within a short time after election there was a judge to be promoted or appointed upon the bench of the United States Supreme Court, and Long endorsed Mr. Cochrane of St. Louis, the railroad solicitor of the Missouri Pacific, and Governor Bailey refused to endorse him. And the next time it came time for Bailey to be renominated they put in money enough to beat him for delegates from the first two counties. I went to Washington after I heard that Mr. Long had endorsed this Democrat from

Missouri, and had quite a talk with him. He told me that the President had requested him to endorse him. I didn't believe that. I had a talk with him in the presence of prominent men in this State, and he said: "You know, I was under obligations to him." "Yes," I said, "I know it, but it was for a money consideration." We all knew about the money, myself personally; I voted for him and helped to manage his campaign in the primaries, that he would do such a thing, and I was very bitter with him for quite a while. I went to the White House and I told the President what he said about him requesting him to endorse this man. And he said that he never intimated such a thing. He jumped up and pounded the table and said: "I will not be misrepresented by that man any more." Then Long came home that fall and he called his friends in and told them to eliminate me from politics. So I just thought it was a game — I did not know about it — I knew they had turned me down. I did not want any favors from him. They had no office to give me that I wanted, neither had the Governor. But I knew I was shied and then I was not in their caucus any more, and I heard I was to be eliminated, and afterwards, this last year, a very prominent man here in this State told me after the election the time and place, and the names of all the persons whom Long made them promise to eliminate me. So I felt pretty good; I could afford to vote for any kind of a law like that. I had been voting with the reformers, voting for everything they had up. My people stood by me in my county. I have been a Republican always. Been a member of the national committee for sixteen years; been a member of the State committee for, I guess, twenty-five years; and thirty years chairman of my county committee. I helped these bills all through.

Q. They did not help you then very much last fall or last summer? A. No, they did not do that. I didn't care much. I said this one primary made me feel so well pleased with defeating Long that I went home — and I think the smoke went up the chimney just the same.

Q. Did the Long delegates generally support you in the primary? A. No, no.

By Judge KNAPP:

Q. Your attitude toward the primary, is it caused to some extent by your attitude toward Mr. Long? A. I wanted to see him take his medicine. (Laughter.)

Q. Having accomplished that, do you still think the primary is better than the convention? A. I think it is the best we have had for that reason. You know — you are old enough to know, when you help a man and do everything you can for him and want to be fair with him and all that, and then when you get eliminated and have — I was in Washington for three or four weeks, and I made the remark that if that race was run over again, Bristow and Long, that Bristow would beat him two to one; I saw Long hanging around the city — he is the lobbyist, as I understand, for the Sugar Trust now — and I said to some fellows in Washington who helped to elect him, he was worse than Burton ever was. You know that there was a Senator once by the name of Burton, and I think Burton had more honor in him than ever Long possessed.

Q. And of course after you had — A. I think you asked me if this — this is one reason why the primary —

Q. Having accomplished that good thing, as you say, do you still believe that the direct primaries or the direct nomination system has secured better candidates and accomplishes more for the people of the State of Kansas than — A. No, I won't say a word about the candidates. I think we had got pretty fair candidates.

Q. Under the delegate and convention system? A. Yes, it did that. And I want to say a thing — I think the candidates were as good as the — but I think the law will be amended in such a way that the man — so that nobody votes at a primary except a Republican, and that no ticket be gotten up, an independent ticket, in a county or the Congressional district, after the primary election has been held, in a close district.

By Chairman MEADE:

Q. That they don't get up any independent parties? A. Yes; I do not want after we go through and make a fight, to let a fellow that has been elected get sore after the primary —

By Assemblyman PHILLIPS:

Q. Would the amendment be constitutional? A. They make a law —

Q. To prohibit a man from, or any set of men from presenting to the people at the general election at the polls any set of men with any set of principles now. A. We can say if they want an independent ticket, they shall file such a one — that is, file a petition.

Q. Oh, yes. A. Same as we have got now, or by the 4th day of August they may have some notice, and then they have a vote; don't really prevent them from voting, just let the thing come out; then they can come in the primary with a petition, and invite independents because he is for another party.

Q. You mean, if they want to start an independent party, to have an independent party vote in the primary election? A. Yes. Because then he cannot sign that paper. And I think the party are the judges, and if they find a man is not correct they refuse his vote. That don't mean anything; they could sign this right along; if I challenge half a dozen and they all sign it I would tell them they were perjuring themselves.

By Chairman MEADE:

Q. Could not that be cured by having an enrollment before primary day? A. Yes, I think it would be a good thing if they were registered; but there never has been a registration system in our State in the rural districts.

By Judge KNAPP:

Q. You mean, registered as members of one party or the other? A. Yes, or be registered once.

By Chairman MEADE:

Q. We call that enrollment in our State. A. Well, that's all right. I think that might be an advantage in the cities — they will run them from one place to another and vote them; just like they do under the old system. I saw that in Chicago at the Presidential primary; and then the Democrats helped certain independents or Republicans carry the primary. And then the

other Republicans there would take and help these other fellows — get their fellows through at the primary. They do that more or less in all the cities. I saw that in Chicago and St. Louis. The thing about the primary law is to get it right so that we shall have a fair expression from the different parties all over the State.

By Assemblyman PHILLIPS:

Q. But aside, Mr. Lamont, from having brought about the defeat of Mr. Long, what evils do you think it has corrected?

A. Well, it has laid him on the shelf, and that class of men ought to be laid down on the shelf.

Q. I know, but aside from that? A. And there is more like him — some of his own gang — and that is a good thing, I think. (Laughter.) It accomplished that. If you lived in the State, as I have, for fifty years, and was in every State convention, saw the management of the party and the election of United States Senators, not only from the outside, but knew what there was of it, how they have been elected by many legal ways and how others were elected with money with the primary business — I know that Long got money from outside — his friends fixed him up with a lot of money for his candidacy. It did not cost him much.

By Chairman MEADE:

Q. Well, Mr. Lamont, if the people of Kansas had taken the interest in the elimination of Long, under the old system of politics, they could have done it, couldn't they? A. I do not think they could, the way the fight was, no; we had a convention called for the 4th of March — we passed this bill just a little while before. If we had not passed this bill Long and Davis would have been nominated, likely, and might have nominated the ticket.

Q. But the people had the right to select the delegates just the same then, had they not, and if they had taken the same interest to get out and go after these fellows they could have elected their candidates? A. Yes, they might have done so if they had known of these things about it, but they did not know these as well then. Long became so, as a Senator, that he thought people were honored because he represented them. He did not get his ear near the ground at all. He told them down here in Wichita, when they

asked him how he would vote — he claimed to stand with Roosevelt — and when he got — when he went there — when he went to Washington, he said: “My vote is all right; you gentlemen can wrestle as long as you please, and when it comes to voting in the Senate I will do the voting.” From that time he went down mighty fast. I think the law can be made a good law and I think it has come to stay in Kansas..

By Assemblyman PHILLIPS:

Q. But you would not say that there has been any material change in the class of candidates which this law has produced over those by the convention system? A. You see, we have only had one — the votes said that anyway. All of those other gentlemen that stood for it now — one of them, Mr. Denton, who is here — that man, he had served his office two years as member, nominated by a State convention; so I could not say you got any better class because he ran under both. I do not think the people would select a bad man, if they knew it. But in the old way, why there was this — there might be this — the only advantage I see is electing him from the people, a little different than they are in the old way; it was an opportunity for this man and that man to bring around so many delegates, he will get some office; that is the way with most of the conventions.

Q. Of course somebody has said that Mr. Long could not have been nominated under the direct primary plan? A. I do not believe he could, either.

Q. It was the result of a dicker? A. Oh, that is the way the State ticket is, generally.

By Assemblyman HOWARD:

Q. Mr. Lamont, is there any particular advantage that led to the habit or practice of giving to the State officers two terms; was it thought that any particular advantage accrued to the State by reason of that? A. Well, they thought it would go around a little further, a little better, if they gave a man only two terms, if he was elected.

Q. Why should they have one term if it is good to have a term or two? A. Well, a man ought to have more than one term if he stands the primary law. (Laughter.)

Q. Well, will the primary law have a tendency to carry out this same practice, or will it have a tendency to create candidates so as to do away with this practice of returning the old State officers?

A. Well, they might elect a man a good many terms. And I think it is a good idea in county matters. I am in favor of electing certain officers and keeping them in. As it works here, if you have got a good probate judge, or a good county clerk — I think in our State, I should say, if it was the practice, where we have men like we have got here, we ought to elect them three or four years.

Q. As a matter of fact, with a man, a proper man, the longer they hold the office the more proficient they will become? A. Yes, that is true. I think that is so. That, of course, would be true of any office that we had, for instance, Treasurer — and I was in a caucus when Governor Morton referred to that, though he did not carry it through the convention; the night before the convention he had a majority in the convention; in our caucus he thought the candidate — we should allow him to have some suggestion about his platform — we adopted it right there — voted in that convention to have only two terms. And we were going to take the Supreme Court in finally — of course it would have been a mistake if we had, because the rule is that if they once get in they stay in until they die.

Q. Was not that a good practice? A. Well, I don't think it is. I have seen the Supreme Court of the United States — and I think that after a fellow gets 95 or 90 years old that he had better get out.

Q. Don't you have any age limit here? A. No limit.

Q. On the judges? A. I do not think they have. They don't in the United States Court.

By Judge KNAPP:

Q. The judges of the Supreme Court in this State are Republicans, aren't they? A. Oh, yes.

Q. And they came in under this direct primary system? A. Sure.

Q. So that for nomination they will have to get out their petition and seek nomination? A. Sure. They are no better than anybody else who wants an office.

Q. You think that is a dignified way for a judge to procure office? A. His friends will do that for him.

Q. You think they will? A. Oh, there is enough lawyers, enough attorneys —

Q. And his friends would not do it for a candidate for Governor? A. Oh, well, most of them did it for him; never would cost him anything to get up any petition.

Q. No, I mean the canvass? A. Well, he is not expected to go around and canvass..

Q. If there are twenty or thirty candidates for one county office, somebody has got to go around? A. Well, the other — it is not supposed — I do not think the judges make political speeches.

Chairman MEADE: We thank you very much Mr. Lamont.

J. N. DOLLEY:

By Judge KNAPP:

Q. You are a member of the present Legislature, are you?

A. Yes, sir; speaker of the House.

Q. Also Bank Commissioner of the State? A. Yes, sir.

Q. That is a feature of the Kansas law, that they have a law that a man can hold two offices — the Bank Commissioner an appointive office? A. Yes, sir.

Q. And you, I think, were the manager of Governor Stubbs' campaign, in a way? A. Yes, manager of the Stubbs campaign and chairman of the State committee at this time and was during the campaign.

Q. During the campaign, so that so far as you were concerned Governor Stubbs had the support of some portion, at any rate, of the State committee? A. Well, I was not — the State committee was not organized at that time.

Q. You were not then chairman? A. Not then.

Q. You are chairman now? A. Yes, sir; I was elected chairman after Mr. Stubbs' nomination.

Q. You were a member of the Legislature that passed this act? A. Yes, sir; I was in the Senate — a member of the Senate.

Q. And I suppose voted for it, as I understand? A. Yes, sir; and I suppose had more to do with voting it through the Senate than any other man; I suppose I did.

Q. The vote was somewhat close in the Senate, was it? A. Yes.

Q. How did they vote upon it as to parties — were the Republicans divided? A. Yes, they were.

Q. And the Democrats also divided? A. Yes, we had — well, we had only three of them — three Democratic votes in the Senate.

Q. For it? A. Well, only three members of the Senate were Democrats — one of them was for the bill and two opposed to it.

Q. So that one-third of the Democratic members of the Senate were for the bill. (Laughter.) The Republican majority seemed to be so large in the Legislature here that it practically amounts to a controversy between different factions or branches of the party? A. Well, I think that is very probable to some extent; yes.

Q. And in the controversy over this bill, that was true to quite an extent? A. Yes, that was worked into it — that came under —

Q. Do you think that the introduction of the primary system will have any tendency to lessen factional differences or factions? A. Lessen them under it.

Q. You think the party will become more united? A. Yes.

Q. And uniform and harmonious? A. Yes, I do.

Q. And that, notwithstanding the fierce contests of last fall for senator and Governor, that the party organization is still more harmonious and unanimous and efficient? A. You mean in the primary? I know it is.

Q. Yes, in the primary. A. I think that the Republican party, as a party, is in a better condition in Kansas than it has been for the past several years.

Q. The personnel of the organization, so to speak, has changed, has it not? A. Yes.

Q. Since that last controversy? A. Yes, sir.

Q. Are there any features of this law which you think ought to be amended, from experience? A. The law as a whole, I think, is fair as primary laws go at this time — is quite perfect. There is a question, of course, that among Republicans and Democrats alike, as to the Republicans and Democrats being allowed to vote as they please at the primaries, mixing the ticket, so to speak, the Democrats calling for Republican tickets, and so on. We had some of that probably, but not as — it was not as extensive as some

think it was. One reason for it — the Democrats had a nominee — the Democratic party had a nominee for Governor who was thoroughly incompetent to be Governor of a great State like Kansas. He was a \$500 Methodist preacher, a good deal of a freak, and it so disgusted the better class of Democrats that they would not vote for him and voted for Mr. Stubbs, probably a good many of them more easily; but if the Democratic party had a competent man as the nominee, the Democrats would have voted that ticket undoubtedly.

Q. You think they would have had more than one man for a candidate for nomination in order to have had any contest? A. They ought to have had three like him in order to have made one. (Laughter.)

Q. Is that the only feature of the law that you think ought to have any — A. Well, I don't know of any other really weak places in the law.

Q. You think that the fact that a man may be nominated and receive only a small plurality of the actual vote is not in any respect a weak feature? A. No; I think not.

Q. As in that case to which I refer, where a man received only 25 per cent. of the vote? A. No, I do not think so; I do not think that is a weak feature of the law, while of course it might look that way; but I do not figure it so.

Q. I might state a case in another State where a man received practically one-sixth or one-seventh of the Republican vote and the feeling against him was very strong. He was the representative of a particular organization that had special interests at stake — do you think that the success of a man under such circumstances is not any detriment to the law, the public generally? A. Cases of that kind, of course, are possible, but not nearly as much so as under the old convention system.

Q. Still, in the convention system, a man theoretically must have a majority, he must have a majority of the delegates? A. He must have a majority of the delegates, that is true; but my experience has been in politics that a great many nominees of the conventions are not the choice of the people.

Q. Well, under the convention system as practiced here in Kansas now — A. Yes; and I think Kansas is one of the worst of the states on that proposition.

Q. Well, some states have legislative safeguards around the delegate and convention system? A. Yes, I know they do. We do not have here.

Q. You never have had any? A. No, no.

By Assemblyman HOWARD:

Q. Would or would not, in your mind, a provision in your law giving the voter a right to express a second choice, be important?

A. Well, yes. There is quite a difference of opinion as to that. In fact, when we were threshing this bill out in the Legislature, at one time a majority of the fellows were in favor of that, and we figured out first, second and third choice. We got mixed up on that proposition, a lot of quarrelling over it, etc., and we cut them all out and let it go as it is. There is much to be said for that, much to be said for it.

Q. Don't you think the expense of a candidate for a nomination ought to be put under the same regulations, perhaps, as the expenses of the candidate after he has been nominated? A. Yes, sir; I do.

By Judge KNAPP:

Q. Be required to file a statement of his expenses, etc.? A. Yes, sir.

Q. That is not so provided in your law? A. It is — we have a special law for that now.

Q. For candidates for nomination? A. Yes, yes; for that.

Q. Was it in effect last year? A. No; that's right. It is not —

Q. Candidates for office after nomination — A. I believe that's right.

Q. Now, would it be a good feature of the law to require a man to file an itemized statement of all the expenses incurred by him, limiting the ways and means in which he shall expend his money in seeking the nomination? A. That is true. Here is another thought in connection with the law as it is in Kansas: The National campaign in Kansas has cost us anywhere from \$50,000 to \$100,000 usually. The State committee would handle that much money. We had \$20,000 last year and had all the

money we needed and all the money we could use; and we did not give a single dollar of it to the professional grafter and professional politician; we simply went to the people with the primary law and asked — with this one bill and let them vote on it.

Q. Well, the expense of the primary law to the counties, etc., have amounted to something over \$100,000, according to the —

A. Well, that was for the State election.

Q. To the several counties? A. To the counties, yes. Simply the primary law; simply takes the nomination and election of the officers of the people out of the hands of some ten or twelve or fifteen or twenty men and the railroads and corporations and places it in the hands of the people.

Q. You think there is no concerted action on the part of any organization to support one candidate or another at all now, under this system? A. No, sir.

Q. That was not practiced, or was not, at least, the last time? A. No, sir.

Q. For instance, the next primary, the partisan political Republican organization, you think, would have no conference as to who shall be nominated for this, that, or the other, for the Governor, etc? A. No, sir; I do not think so.

Q. Prior to the primaries? A. No, sir; it is a free and open one. It cannot be manipulated. There is no way on earth that you can manipulate any Kansas primary.

Q. Now, is it not the practice, under the primary, for the people to get together and say: "Now, let us run Mr. Stubbs for Governor." A. No, no, sir; it can't be done.

By Assemblyman PHILLIPS:

Q. Do you think it has a tendency to produce a better class of candidates than the convention system? A. I do, yes. I think it has a tendency to produce a class of candidates — a much better class of candidates than the old convention system.

By Chairman MEADE:

Q. As it is in this State? A. Yes.

Q. They were all renominated the last year? A. Well, I am talking about the county officers and the State as a whole; you

know we nominated and elected several hundred candidates of State and county officers.

By Judge KNAPP:

Q. You think the personnel of the Legislature, for instance, improved under this system? A. I say, beyond a doubt. I think as good or — the best Legislature — the personnel of it was the best House — class of legislators that we have had in the State.

Q. You can induce members to become members of the Legislature for a compensation of that kind which does not pay their living expenses? A. You can, yes; we can induce them to do so under the primary system. Of course, they had their perquisites under the old system, I presume; but under this system I presume not.

Q. After they are elected, for instance, to the Legislature, they have no perquisites? A. No, I think not; no, sir.

Q. Never has been any claim of that kind here, has there, that the Legislature has been influenced, financially, in any way? A. Never has been.

Q. Has there been in the past? A. Oh, yes; and I think truly so, probably.

By Chairman MEADE:

Q. No chance for that now at all, you think? A. No, sir.

By Mr. KNAPP:

Q. It operates to prevent that? A. They can't control the Legislature for the reason that the people who are interested can't pick nominees.

Q. But when the man was once elected and in office? A. Oh, it is possible, of course, for a fellow to sell out after he is elected; but under the old system they knew when a man was nominated in that way for the Legislature, the people who are interested knew exactly what he would do, because they had talked with him before he was nominated —

Q. Now, you say — A. In many cases.

Q. In the city of Philadelphia the Republicans and the Demo-

crats and the William Penn party and the Reformers all concurred in their testimony that in not a single instance since the law has been in effect there, and they have tried it six times, has the Republican organization been defeated; the men supported by the organization have been nominated every time. Do you think that can be accomplished in Kansas as well as in other states? A. You mean for the Legislature?

Q. For various offices, for all offices; for any single office in the city of Philadelphia, that was the testimony of all those. A. Well, no; that could not be so thoroughly accomplished in Kansas, and that was exemplified in the last election.

Q. The law is practically the same except it does not extend to State officers? A. That was exemplified in several cases during our last election.

Q. Of course, your experience is limited, so far? A. Yes.

Q. I am only speaking of that by way of illustration, desirous of knowing how it can be by your saying that such things cannot be accomplished in this State under your system, which is similar? A. Well, that is true; but, of course, our conditions are different than in Philadelphia, you know.

Q. Well, the Republican party is more dominant here? A. Yes, the Republican party is dominant here. But in the primary here last election several members who were candidates — several candidates for the Legislature in strong Republican counties that were packed by the Republican organization — several of them were beaten.

Q. Because they were backed by the Republican organization? A. No, no. Of course the State committee got behind all nominees, of course, all Republican nominees.

Q. After the nomination or before? A. After the nomination; but at the election I saw that several of them were beaten in strong Republican counties.

Q. Notwithstanding the fact that Republican primaries had nominated them? A. Yes, notwithstanding the fact that Republican primaries had nominated them.

Q. Well, now, were they defeated because they were improper candidates, or were they defeated for some other reason, locally? A. Well, there were local reasons among their own people; the

reasons were of course offered by their own people, they objected to them.

Q. So that the people of those communities, even though they were strongly Republican and had nominated these men, did not support them at the polls? A. Did not support them at the polls; just a few cases of that kind; probably three, or four, or five cases.

Q. In those cases it can hardly be said that the best candidates were selected? A. Well, that is only three, or four, or five, out of 125.

Governor STUBBS: In that connection I think Mr. Dolley ought to state that there was a very bitter fight here on the election of United States senator; and it is my judgment that where there were three, or four, or five Republicans divided by the friends of United States senator, who had failed in the primary.

By Judge KNAPP: That is, the factional fight was carried into the election.

The WITNESS: Yes; the factional fight was carried into the election and that was the cause of it.

Q. Was there any instance of such a factional fight for a nomination carried into the election? A. After the nomination?

Q. After the nomination? A. Oh, no; not to any great extent.

By Assemblyman PHILLIPS:

Q. The Democrats increased their representation in the Legislature by ten votes in the House — from thirty to forty last year?

By Judge KNAPP: Well, do you regard that as one of the results of the factional fight for senator?

By Assemblyman PHILLIPS: Very largely on the senatorial fight?

The WITNESS: Very largely on the senatorial fight.

By Mr. HOWARD: You mean for United States senator?

By Chairman MEADE: I want to ask the chairman of the State committee what, in your judgment, has been its effect upon the political parties of the State so far as parties — A. The primary election?

Q. Yes. A. Do I understand you to mean the effect upon both parties or the Republican party?

Q. Yes, the political parties; I assume you have two principal parties? A. Yes. I do not believe that the feeling between the Republican and Democratic party in Kansas to-day is as bitter as it has been for several years past. I do not believe there is as much bad blood, probably, between the two parties.

Q. I speak as to strengthening or weakening the party? A. The primary law has strengthened the Republican party. It is in process of uniting the party in my judgment and bringing it together. And I was very much surprised at the result of the first trial of the primary, that it had such an effect along that line as it did have. Of course, after the primary the fellows were sore as they are sore after a convention; but I found that it gradually wore off, and as we got along towards election day I found that they were pretty well lined up and voting the Republican ticket straight pretty generally.

Q. Well, has it strengthened the Democratic party also, or weakened it? A. No. The Democratic party, of course, was badly shot to pieces, as I believe; they had no leader, they had no head, they were demoralized; I do not know really what effect it had on that. They were all shot to pieces anyway.

Q. Naturally, if it strengthens the Republican it must weaken the Democratic party? A. Must weaken the Democratic party; but that would not be a fair example, for the reason, as I say, they had no leadership, you know, and were going around and around a ring and did not know what they were doing.

Q. Did you have any experience of local officers last fall, of the dominant party, in the political subdivision, dictating the nomination of the minority party? A. No, we did not have any.

Chairman MEADE: That is all, Mr. Dolley; we thank you very much for your information.

FRANK G. DRENING.

By Judge KNAPP:

Q. I understand the city of Topeka is about to vote upon the question of the commission system? A. Yes, sir.

Q. That eliminates parties from all — A. Well, it pretends to.

Q. Participation in municipal affairs? A. It pretends to.

Q. Isn't that the object of it? A. That is the object.

Q. Do you think it accomplishes that? A. Well, they will have to get a little more liberal in their views before it does. Mr. Matson can tell you about that. They have got it in Wichita and we have not.

Mr. MATSON: I do not want to go on record.

Chairman MEADE: Tell us what you think of the working of the general law, and how it has worked here in Topeka? A. In the city of Topeka — in Shawnee county — they have used the primary system for a good many years, I suppose all told — I have been here now since 1891, and if I recollect right they have been using the primary ever since I have been here. There used to be an old convention system for local offices and that has been done away with and they have — the voting both in the city elections and in State nominations and for county officers was done by a primary system.

Q. And what was that primary system? Tell us what it was.

By Assemblyman PHILLIPS:

Q. Did they vote directly for the candidate on county offices? A. Yes. Well, they have had that primary and it has been satisfactory; that is, generally satisfactory, with this exception. This, of course, has always been a voluntary system. There was no penalties imposed and nothing as to party organization. Now that kept up for the — but it was pretty thorough, and they have always had a very heavy vote, I think, on all the primaries in this State and county; they have voted in nearly — and nearly everybody votes, Democrats and Republicans, too. Well, about three or four years ago — there have been down there some complaints that there was a good deal of repeating done in the city primary; I have a good deal to do with that — done because we had no registration; a man could vote as often as he pleased and the Democrat could vote the Republican ticket if he chose to do so. Well, there was a big struggle here for the control of the State committee, and they were elected from the different precincts, and the precincts in the different wards sending up four or five for State committee; and when our crowd, who were in favor of the primary, got hold of that committee, we compelled a registration;

that is, we would not permit anybody to vote at this primary except those who were registered; and it is my opinion, after several years of experience, that that was the most satisfactory primary ever held in Shawnee county. The first thing, you understand — you remember we were trying this plan before this law was passed at which they nominated the State officers, and it was the registration helped us tremendously. It got it down where there was some kind of a fair contest you know, and prevented men from repeating. And there is in my mind only one feature of this primary law on the statute books now, which relates to the cities and counties as well as to the State officers, and it is a very rank defect, and that is, that it does not require the registration or enrollment of a man's party politics. It is absolutely no question but what the Democrats will vote and have voted during this last primary for county officers in order to nominate the weakest man, because in a county like we have here, where we have generally a Republican majority of 3,000, a Democrat has absolutely no show at all, without they can nominate some weak man on the Republican ticket. The conscience — the political conscience of the people — around this neighborhood is pretty wide awake; they look over a man very carefully, and they look at him a long time before they vote; and I think it is remarkable how carefully they judge a man; and if a fellow comes under this primary system, if he is a weak man and a man of poor character on any ticket, why he goes down. I think, though, that it is unfair to place a candidate at a tremendous expense, to have some Democrats come in voting for him just in order to down him and elect some one man, so that they can beat him at the election.

By Judge KNAPP:

Q. If it does result, sometimes, in the nomination of a weak man, then how can it be that it results in the selection of the best candidates? A. Well, I say —

Q. I can't understand about that? A. That is what I claim is a defect in the law as they have it on the statute books right now — is the fact that it would go against that, and the bars are down. Now, when these Democrats come up we look over

our registration list, registration books that we had, checking these Republicans as they went in, and marking them in a certain way — and we found the name of a Democratic candidate for the Legislature, a man who is sitting there voting at the Republican primaries. Lots of them have done it. You remonstrate with them — “Well,” he says, “we don’t have much chance to express our opinion on candidates without we vote at the Republican primary; we are going to do as we please.” And there isn’t any way in which you can prevent them from doing it, and they do it.

Q. Do you think they do it to a sufficient extent in this State to change the result? A. Oh, I don’t think so; I do not think it did, perhaps — I think it did in some local offices.

Q. How about United States Senator? A. Well, I don’t say now what they did do; but I say that in some counties it is very close and there is absolutely no doubt but what a well organized effort among the Democrats to vote the Republican ticket could have changed the nomination for United States Senator without any trouble whatever. And I know — I have my idea that the Democrats who are anxious to vote would have voted for, probably voted in this State for President.

Q. Is there any other feature of the law that you regard as objectionable? A. I do not think there is anything very radically wrong except that. I think that is —

Q. You think that the plurality system is not objectionable, that a man may be nominated receiving only about one-fifth of the Republican votes in many cases? A. It would, I think, perhaps, be a much better system if we had a second and third choice. I have not studied that, but I think that would probably be very much better.

Q. Might the candidates at the head of the ticket get more votes than the other fellows lower down? A. Yes; a man whose name begins with “A” or something like that and the other fellow “V” has got a very distinct advantage.

Q. Besides, where you have so many candidates for so many different offices? A. Yes.

Q. All the way down it has an effect. Isn’t it true that many of the voters vote for the first candidates for the higher offices and slight the others? A. There is no doubt about it at all — no ques-

tion. I have watched it. Men for years voted like that — many a night.

Q. Such samples as we have show that? A. Yes. What appears on any ballot oftener than anything else, especially in local elections, which have our particular attention, is that they will vote, say, for instance, the Governor, and forget everything else on the ticket; or vote for mayor, perhaps, or city clerk, or something of that kind.

Q. If you had all the candidates in one column and then have a second election that selects the two highest, without any party designation whatever, might it simply be a campaign of men as in your system, the commission system? A. Well, I would not be competent to express an opinion on that, I think.

Q. You think that might be good for a city and not for a state? A. Oh, I believe in party politics. I do not take much stock in this cheap tinfoil business of having a man without any politics. I think that a man who has got any red corpuscles in him, he ought to be a party man.

Q. You believe in government by parties, do you? A. I certainly do.

Q. Do you believe that parties ought to have anything to say before the nominations, or they are only to advise as to platforms and principles? A. Well, I think it is right for the party to influence nominations if they can or care to.

By Assemblyman PHILLIPS:

Q. Well, do you think that the direct primary system has a tendency to strengthen party organization? A. Well, no, if you want my honest opinion I will tell you; I do not think it does. I know I will disagree with a lot of radical reformers — I am supposed to belong to the reform element — any always have been strongly in favor of the party primary — I mean the primary such as we have now, because, as it has been said here, it gives a young man a show; and a man who has not any money stands a much better chance if he stands for some principle than he would under the convention system of nomination. It gives him — it gives him more equality and opportunity. But when it comes to State politics I have very grave doubt about the strengthening of party

politics. I think the whole tendency is to weaken the party control.

Q. Don't you think better results would obtain by the convention system, so far as party government is concerned, and make your direct primaries applicable only to municipal and local offices? A. Well, of course, that is a question which I have not given as careful thought as I ought; I do not know that I ought to express an opinion. There does seem to be this difference in a State-wide primary, and that is a poor man, if he is going to vote like we generally do, he has got very little business in it; he has got to have a big pocketbook or he don't stand very much show.

Q. Some one said, over in Massachusetts, that the direct primary — or that the man with a loud voice and fat pocketbook has a distinct advantage under the direct primary system. Don't you think you ought to limit the expense of candidates, the same as you would for an election? A. I think that is unquestionable. I think that if the expense of candidates was limited to expend only about so much, it might be all right.

By Chairman MEADE:

Q. Do you think that you could make any law that is strong enough to do that? A. I do not think so.

By Assemblyman HOWARD:

Q. Have some effect to deter a man from doing it, wouldn't it?

A. Oh, yes, that is true. It would deter some conscientious men.

Q. Let me ask you, do you think that a primary of this nature can be worked as effectually and good as far as results from a large foreign and ignorant people, as it does where your voters are of an even intelligence and education and ability to determine these questions? A. No. I think this primary system is unquestionably a plan that appeals to the intelligent men. It calls for a decision, you understand, on the qualities of the men, on the man as to his character, as to his ability; it requires intelligence. In voting men en masse I do not think would be successful under the primary system.

Q. Then, in a State like New York, with 8,000,000 inhabitants, with a very large percentage of the foreign voters, if you could

eliminate dishonesty in conventions you would undoubtedly get better results? A. Well, if you could eliminate dishonesty and get good men, probably, in conventions you would get better results. Now, if you will let me digress a little bit, I will give you my theory — I do not know that it will do any harm. I was sent with another gentleman to Galveston to study their commission system and their method of voting. Galveston used to be a kind of a — well, it always was a border town where the ruffians came in and the wild men from the wild frontier counties, as well as ignorant, so that altogether, with a large colored population that was uneducated — and they adopted a plan down there of compelling a man to pay a poll tax of three dollars per year, and pay it a year in advance — that was the registration for voting, so that if he did not pay that he did not vote at all. The consequence is that in Galveston about three-fifths of the voting population vote; the rest don't. It cuts out all the floating population and it has cut out practically the entire ignorant class. The commission plan there works better than in any other State in the country; it works for the reason it will work better even where they have a great mass of people who vote more or less unintelligently in those great cities. In my humble opinion the salvation of this country depends on the election and vote of the men who know how to think.

By Assemblyman HOWARD:

Q. Then you would answer my question in the affirmative, would you not, if you were to eliminate all dishonesty from a convention you would get better results than you would to permit all of these people to vote directly, and vote without any knowledge or ability to determine? A. Oh, yes, I think that that would be — I think that the men who were unintelligent and voted together in great masses without a leading idea of the main measures would be pulled around by political shysters and politicians as much as anybody in the world.

Q. Let me ask you, do you have an educational qualification of any kind in this State? A. None at all.

Q. Every person of full age — A. Yes.

Q. That are citizens are entitled to vote? A. I believe the

insane are not entitled to vote. A fellow that is deaf and dumb and blind — well, we help them out.

By Assemblyman PHILLIPS:

Q. Are women entitled to vote in this State? A. They vote in the city election only at school elections.

By Assemblyman HOWARD:

Q. For all city offices? A. VOICE: Yes.

The WITNESS: Some men think that the more votes you have the better it is; when a fellow is at the polls at the primary, at the direct primary, he gets over that in a little while. The fewer voters they have —

Adjourned to meet in Des Moines to-morrow morning at 11 o'clock.

NINTH SESSION — August 17, 1909.

DES MOINES, IOWA, *Tuesday, August 17, 1909.*

LAFAYETTE YOUNG.

By Judge KNAPP:

Q. Have you any official position, Mr. Young? A. No, sir.

Q. You are a resident of this city of Des Moines? A. Yes sir; I was twelve years in the State Senate.

Q. And how long have you been a resident of this city and State? A. I was born here, sixty miles from here. Been here all the time.

Q. And have you been most of the time a resident of the city? A. Yes, twenty years.

Q. Prior to the enactment of the so-called Iowa direct Primary Election Law, under what system were the candidates for office nominated? A. Why, about seventy counties of the ninety-nine had systems of primary of their own, with their own rules, within the party.

Q. Party rules, were they? A. Party rules. The law had not

suggested anything on the subject or given any recognition. It was customary in those counties to nominate a ticket by primary.

Q. The electors voting directly for the nomination? A. Yes, sir; and then holding a convention to either ratify or to nominate in case no one had received a majority.

Q. In making the nominations there was it decided then by majorities, in those cases, or by pluralities? A. Yes, by majorities. In some counties and legislative districts, counties elected on the primary ballot delegates to any convention that had to do with their affairs, with or without instructions; I was nominated for State senator in 1874, the first time in Western Iowa, in a district of four counties — two counties had the primary system and two counties did not. But each county put in the name of the candidate for senator and the two counties having the primary put on the names of the delegates to the district convention, selected by the candidates in whose interest the ticket was issued.

Q. In case of contest under such circumstances, each candidate submitted his set of delegates? A. Yes; there was a system of numbering the tickets. Anybody could be a candidate and anybody could have tickets printed at his own expense, and he would say for senator, giving his own nominee for delegates to the district convention, giving the names of the necessary number, and if he triumphed, why his delegates triumphed. Then they went to the convention under instructions for him.

Q. Was there any trouble at any time arising from delegates not following such instructions as that? A. Very seldom, I think. Now in the counties, the average farming county in this State has about 20,000 people. They generally hold a sort of a primary where the polls would be open two or three hours and their own judges of their own party would preside. I am alluding now to the majority party almost entirely, the Republican. The minority party, generally, in those cities waited until the majority party had taken action, and then availed themselves of any incident that might have happened in the way of bad nominations by the other party. The rural population outside of the counties that have large towns were quite well satisfied with that plan of nomination. The need for a restricted primary largely arose from those towns in regard to our political affairs. There has always been a great contest in the majority party.

Q. Do you mean political affairs relating to State officers and county officers, or to State officers? A. Largely to the State officers, the congressional nominations. There were many disputes in this State, especially in regard to congressional primary, outside of the law, before the law was enacted, in regard to unfair voting and unfair action of judges and everything of that nature. Now, the Iowa primary law is more due to disturbance of that nature in this city than in any or all other influences combined.

Q. Were there any legal safeguards around the primaries? A. None whatever —

Q. As conducted? A. None that were available in any material degree.

Q. No statement of enrollment or party declaration, or anything of that kind that prevented participation by one party in the affairs or primaries of another? A. No; and no enrollment. A sample of the change would be that twenty-five men would be grouped and go from one primary precinct to another and vote enthusiastically at each one. (Laughter.)

Q. In the interest of somebody directing the voting? A. In the interest of somebody's candidacy. Those were the charges. And it occasioned very widespread attention to the local political affairs here.

By Assemblyman CONKLIN:

Q. Do I understand in those times the delegate system obtained and that those men would vote for delegates — A. In this case they were voting for delegates.

Q. Well, may I ask, how far back within your recollection has there been what may be called direct voting for candidates at primaries? A. Why, only in a county since — for county nomination, for treasurer and auditor and recorder in most counties; they have been for a good many years nominated by direct primary; but no district officers or State officers until the adoption of the present law were ever nominated by direct primary.

Q. Or municipal officer? A. Nor municipal.

Q. Just the county officers? A. Well, here in this place, when we had partisan politics, they had primaries previous to the law for nominating mayors and such officers; but they were so frequently

the occasion of charges of corruption and dishonesty that it called general attention to the lack of legal control of this initial method in politics.

By Judge KNAPP:

Q. Do you mean when you say that they had direct primaries that they voted directly for the candidates in a manner different from that which you do in this — A. No; they voted for the candidate directly, and if he then had a majority he was nominated.

Q. Without any convention? A. Without any convention. He was absolved from any convention. When we had partisan politics here I was chairman of the city convention, and a man had received a majority of the votes for member of the council, called then alderman. And near the convention time his competitor had a majority of the delegates from that ward. It was right up to me to rule as required, who was nominated, the man who received the most votes at the primary or the man who had a majority out of the nine delegates. I ruled that the man who received a majority at the primary was nominated, on the ground that the fidelity of the primary system depended upon the integrity of the whole process. And it was sustained by the convention at large, which had to ratify this local nomination. The man was afterward elected. I never knew, I think, a sample of gross betrayal of a man to abide the result of those who elected him. It was understood that the first or second ballot would exhaust the instruction thus given and after that ballot the instructed delegate would be a free man, morally and legally, to vote as he pleased. But I hold, and I think it has been well sustained, that on the first ballot to be taken the man had not any moral or political right than to do otherwise than follow his instructions.

Q. Was it the result of conditions of that character that this so-called commission system was adopted in the State? A. No; those had no relation to each other whatever.

Q. Well, was there anything else in the way of irregularity or criticism in former methods under party rules and regulations, nominating officers for the State and for the Legislature, Congress,

etc., that led to the agitation and to the enactment of this primary law? A. Why, I think it was due, considerably, to the fact that primary laws were agitated for, and enacted in so many other states, calling attention to it here.

Q. This law was enacted in 1907? A. We have nominated under it once only. We formerly had annual elections, but we have biennial elections only now.

Q. This is contained in what is known as the "1907 Supplement of the Code"? A. Yes, that means the laws of that year, 1907. It added to previous parts.

Q. But the law did not become operative until 1908? A. Well, we had no occasion to use it until then.

Q. So that you held the primary under this law in 1908? A. Yes, sir.

Q. When was that held? A. That was in June — a year ago last June.

Q. And will you state to what officers that extended? A. All of the State officers, including United States senator.

Q. The United States senator vote was purely an expression of sentiment? A. Well, it was so defined in the law, but it was regarded as morally binding.

Q. Upon the Legislature? A. Yes.

Q. And was followed, was it? A. Yes; it was followed with this exception: Senator Allison was renominated and died before the election. Then Governor Cummins was nominated for senator under conditions very similar, by a special act; a primary was held at the time of the general election last year.

Q. This amendment to the primary law was passed for that purpose, was it? A. Yes. Governor Cummins was nominated and his election followed without opposition at all. He had every vote of his own party.

Q. Well, now, so far as you have observed, will you explain to the Committee the features of the primary, the election law, if any, that have appeared to you to be deficient or defective or undesirable? A. Well, I would say, Mr. Chairman, I would not go back to the caucus system at all. My only suggestion in regard to our primary, and that is the only one that I know anything about, is that there ought to be a more strict separate registration

of the parties. I think a man ought to enroll himself as a Republican, in open daylight, if he intends to ask a vote in the Republican primary. The same thing would apply to a Democrat. Of course, we have scarcely any Democrats in this State, and a large part of the Democratic party have been for a number of years acting with the Republican party; and in a sense they are Republicans. They have just as much influence at a primary as if they had always been Republicans. I would not cut them out. I would make the test on the Presidential, congressional and legislative tickets. And I would not allow any man to vote at a Republican primary who would not say that he intended to abide the result as regarding those political policies. He would have to do that if he were to be a delegate to a convention, and this primary takes the place of a convention. The criticism is that that is depriving the voter of his constitutional right. But I do not regard this as a constitutional matter. It is a political matter, and everything I say in regard to the Republican party, I would say with equal force if I were a Democrat. It would give us a complete roster of the several parties, and then this would be an ideal way of making nominations; because you might not always need this system, but when you did need it, it would be handy to have; and it will ultimately tend toward the destruction of political parties, in my judgment. But the country has seen many times the destruction of political parties without any danger to the country.

Q. Well, I understand from your remarks that you really believe in government by parties, as we express it? A. Sure, sure.

Q. Then, if this law tends to the destruction of political parties, how is it desirable? A. Well, I might explain that by saying: Different alignments and reorganization of parties, and not destruction.

Q. In a State, even, where one party is largely dominant, as in this, do you apprehend that the result of this form of nomination will tend to raise up factional differences and divisions in the party itself? A. Yes, it does do that; it makes a division in the party. Of course conventions do that a good deal; but in this sense it has an effect on party organizations, it enables a minority party to nominate with regard to availability; while the majority party makes its nominations out of strife, as the result of strife, the min-

ority party makes it as a result of harmony through getting together.

Q. And the minority party takes advantage of the strife in the majority party? A. Yes, sir.

Q. To defeat the majority party at the election, sometimes? A. I imagine that would be true. It is true, of course, when they hold conventions and caucuses.

Q. But doesn't the feeling in the primary run pretty high in cases of the party contests that are of a general character governing the State? A. Yes; in our nominations for senator we had as hot a debate throughout the State as we ever held in a contest against the other party.

Q. And that was a campaign of personality? A. That was the campaign between Senator Allison and Governor Cummins — personalities.

Q. Representing different ideas of legislation or as representing different factions of the same party? A. Well, both those causes. It would be difficult to give one residing outside a fair understanding of the situation. Personalities did not come in between Senator Allison and Governor Cummins themselves. But others, who were not so guarded, used personalities quite frequently. But in those cases the election had been preceded by a positive pledge on the part of both candidates to abide by the result, not exactly by law, but voluntarily, made by Senator Allison saying in writing that if he did not get a majority he would not be a candidate for a primary; and Governor Cummins saying that he would not be a candidate for senator in case he did not carry the primary. And in the first instance, Governor Cummins did abide by the result. The death of Senator Allison then gave an opportunity to illustrate it both ways, the fidelity of the party to Allison, in the first instance, and the fidelity to Cummins in the second instance. I say, I repeat it, I would not go back to the caucus system as a manner of nomination. We have just begun primary work and with some changes and amendments it will be good. With all its faults it interests the people. It, of course, gives more power to the press, which is not objectionable to newspaper men, who feel that they ought to run the country anyway. I speak of that — I am a newspaper man.

Q. The newspapers do have a great deal of influence, you say, in the selection of the candidates, the nominees? A. Yes, the newspapers here do. Among other criticisms, the primary system gives the candidate an opportunity to make a great many promises to the voters, in the excitement for his search for honors, and he takes advantage of the situation. I mean that he becomes sensational and enthusiastic in telling the "dear people" what he will do. Of course we have always had that, more or less, between the parties, but have never had it as a family affair until we had our primary. But there is another condition, which Mr. Hayward, our Secretary of State is more familiar with than I am, and that is, the difficulty of having the voters of the State, of the parties, know something about the men whose names appear on the great big ballot. Now, the voter commences to mark industriously, the head of his ticket, and exercises some discretion on two or three offices about which there has been so much debate, and beyond that he commences voting alphabetically and to get rid of the job. So that if a man's name commences with "A" he had a distinct advantage over the man whose name commenced with "W." That was a matter of great concern. For instance, one faction of the Republican party in selecting the candidates for electors — that matter not having been provided for — was that overlooked in the primary law, Mr. Secretary, in regard to electors?

Secretary HAYWARD: What?

The WITNESS: There was no direct provision made for electors?

Secretary HAYWARD: I do not think there is. It could not be for candidates, you remember, two years ago, because of the election of other —

Judge KNAPP: Section 187-A provides for the voting of candidates, etc.

The WITNESS: I remember now. The two factions of the party had neither one agreed upon nominees for electors. And the gentlemen representing the different factions got together, and one faction named eleven district electors and two electors at large, each name beginning with "A" or "B," and those were all nominated at the primary, I believe, without exception, and nominated in districts where, if the voter had understood that he was voting for a man who was in the other faction, he would not have done so; and some

queer results happened. The stand-pat element, so-called, got the electors in districts where the progressives were in a majority, due to the alphabet. (Laughter.) Now, how that can be remedied on the ballot, I am not mathematician enough to know.

Secretary HAYWARD: That law has been amended to remedy that defect; last winter.

The WITNESS: This law has been amended and changed — well, the Secretary of State will explain that when he is on the witness stand. But that was the criticism. The other criticism on the State-wide nomination is the inability to have the voter become familiar with the names over the entire State. There was a man, a candidate for one of the State offices, who had not been known outside of the township in which he lived, and very little known even by his nearest neighbors. He issued circulars and sent them out over the State and received 40,000 votes for Railroad Commissioner, and I think I am quite sure that I had never heard of the man at the time he sent out his circulars. That is the absence of registration, the difficulty of making the voter understand on the State-wide candidacies for officers, for which there is no intense interest. This would never apply to the office of Governor or senator, but for other State officers concerning which there is no excitement, it is difficult to familiarize the members of the party in regard to their several ambitious candidates.

By Assemblyman PHILLIPS:

Q. How about judicial officers? A. Judicial officers are exempted from the primary.

By Judge KNAPP:

Q. May not people under such circumstances be nominated where there is a large number of candidates, simply receiving a plurality vote? A. Oh, yes, the plurality nominates under this law, provided it is — no man can be nominated with less than 35 per cent. of the vote cast; but if that is the highest number and he has 35 per cent. he is nominated.

Q. Then you have a restriction upon that? A. That was a compromise, yes.

Q. If there is no nomination, what do you do for another pri-

mary? A. In regard to State officers where no nomination is made, it is submitted to a convention. Is that right, Mr. Secretary?

Secretary HAYWARD: That's right.

By Judge KNAPP:

Q. How is this convention made up? A. I do not want to anticipate the secretary. Why the convention which is called at the same time to nominate judges of the Supreme Court is charged with the duty of nominating these officers who may fall below the 35 per cent. Is that right, Mr. Secretary? The judicial convention that nominates the judges would have the authority to nominate the Secretary of State and the —

Secretary HAYWARD: Yes, that is it.

The WITNESS: He had fallen below 35 per cent.

Secretary HAYWARD: That is a candidate for the Supreme Court bench, but in districts that have judicial conventions.

The WITNESS: Yes, the nomination. If you were a candidate for Secretary of State, and you received 30 per cent., and that was the highest, then you would have to be nominated by the —

Secretary HAYWARD: The convention, yes.

The WITNESS: The convention that nominated the Supreme Court justices.

Secretary HAYWARD: Well, yes.

The WITNESS: Another convention?

Secretary HAYWARD: No, the same convention.

The WITNESS: Yes, a candidate failing to receive 35 per cent. and not having the highest number would have to be nominated by the convention we have for nominating the Supreme Court judges.

By Assemblyman PHILLIPS:

Q. The convention could nominate any man they saw fit, couldn't they? They would not have to take them from those whose names were before the people, would they? A. I think the convention would have liberty to nominate.

Q. Whoever they pleased? A. Yes.

By Judge KNAPP:

Q. Has there been any criticism of this law because of the expense to the State or the localities? A. Not very much, no.

Q. And as to the expense to the individuals who become candidates? A. No. In fact the tendency of the law is to reduce the candidate's expenses, unless he goes into a widespread advertising campaign, publishing his picture and biography all over the State. He could spend as much money as he felt like spending, although there is some restriction in the law in regard to what he can spend.

Q. There has been no criticism of the campaign that has been conducted as to the amount of money expended in these cases? A. No, I think not, no. There was a strict inquiry as to the amount of money spent by the candidates; they had to report under the law.

Q. And do you think of any other suggestions by way of amendment to the present law? A. In regard to the expenditures?

Q. Well in any other particular? A. My individual opinion would be to reduce the voting precincts, having in mind our own community, so that there would be fewer votes cast in any one precinct, our precincts having too large a vote. That is a matter entirely within our control, however. The smaller the voting precincts the more readily can you ascertain whether a man is a qualified voter or not.

By Senator MEADE:

Q. What number do you consider a large voting precinct? A. Why, I should think that 350 votes in one primary should be large enough for a precinct.

Q. What is your opinion as to whether or not the direct primary system produces a better, more efficient and conscientious public servant than the convention system? A. Well, I can hardly express an opinion on that as a result of our experience, because the very men that everybody expected to be nominated in the counties of this State were nominated. There was no surprise in our first primary. The influence of party leaders on candidacies was nearly as apparent as if the caucus system had been in vogue. The primary has a tendency, too, I presume in legislative work,

because a man every time he casts a vote to wonder what the boys will think of it at the polls. Of course the men holding legislative offices think of that a good deal anyway.

By Judge KNAPP:

Q. You think, then, that the power of the so-called bosses is not destroyed by this system; that they were still able to dictate nominations? A. Why, I think it is. I think, except in exceptional cases, a political boss would have about as good a show under the primary as under the caucus. But if he was able to carry the primary and get a majority of the votes for his men, under our theory of government, why he is entitled to it.

By Assemblyman PHILLIPS:

Q. Well, isn't he in a better position than under the convention system, because he can say then that the people decided; that is, he cannot be charged that two or three men got together and dictated the ticket. A. Oh, when his ticket has pulled through he always announces "the people have spoken." (Laughter.)

By Assemblyman HOWARD:

Q. Upon what theory, Mr. Young, were the judges eliminated from this law? A. My private opinion is that it was due to Governor Cummins' idea that the judiciary should be removed from politics as far as possible. The Governor is a strong lawyer himself and has great respect for the legal profession and the law. And I have always credited his influence as to this elimination of the judges from the primary.

By Senator MEADE:

Q. Well, the judges are nominated by conventions, aren't they? A. Yes, sir.

Q. Then is it his theory that a convention nominated candidate is removed from politics more than if he is nominated by the primary? A. I think the Governor thought it would be, inasmuch as political offices were all dealt with by the primary. There is a noticeable increase in the influence of the bar in these judicial conventions, and I presume our next one will be — well, in a

considerable extent a bar convention. The lawyers are much interested in the judges.

Q. Doesn't he think the people can be trusted to nominate their judges? A. Well, I don't want to debate that question. (Laughter.) There are many things in which I disagree with the Governor.

By Assemblyman CONKLIN:

Q. Is there in the State here a very strong political organization; that is, a leader of some large district with a lot of under leaders in each voting precinct? A. Not in the sense that you would call "organization" in New York, or any of the eastern states. We have never had as close and clearly a defined system of political organization as you would have in New York, though there have been men here of great political influence. Governor Cummins is a mighty power in this central Iowa and in the State. He is the greatest and strongest political personality in the State at the present time.

Q. I mean, are there men, so to speak, professionally in politics as leaders of a certain geographical district, with their understudies and assistants, and all that sort of thing? A. Not to a very great extent. In a limited degree, but nothing as I understand the political conditions would be in, where you have your own leaders appointed.

Q. Well, wherever there are such conditions of affairs prevailing, it is in the larger cities, is it not? A. Well, it would be hard — at least, Iowa has no large cities; this is the largest town. There are what we would call ward leaders here and men of great force in their localities, as you say understudies, to a limited degree, but they are not — they are changing all the time, and they are not perpetual.

Q. Are those ward leaders and their assistants in such cases as do exist, are they office holders of the office holding class, who are more apt to be swayed by the probabilities of their being kept in office? A. Yes, sir.

Q. Than they are by political principles? A. Those influences have weight.

Q. Then those people in any event will be retained as a compact

organization to do whatsoever their leader wishes them to, irrespective of the principle at stake? A. In some measure those things are true. Not to the extent that it is in many localities.

By Assemblyman PHILLIPS:

Q. Well, Colonel, from your observation of the operation of the direct primary system in the State of Iowa are you at liberty to give your opinion to the Committee as to what better results have been obtained under the primary system as against the convention and delegate system? A. Well, one result is, the people feel better satisfied with it. They feel that they have had a part in it and that no job has been set up. Even if it has, they feel that it has not been. And there is a measure of satisfaction in being called upon to exercise their influence in making direct nominations. My own idea would be, if continued, the voters of the dominant party will familiarize themselves with everything pertaining to the primary — that is, in the centers of population. Now what is said here in regard to the primary must apply only to towns. Our farming communities are neither made any better or any worse by this change. They accepted it largely because they thought it was needed elsewhere. Their political thoughts and methods remain about the same in the counties where agriculture only prevails, and the county has about 20,000 people and the county seat 3,500.

By Chairman MEADE:

Q. You say they accepted it because they thought it was wanted elsewhere. What do you mean by that? A. They thought in the towns like Des Moines, Burlington and Davenport it was needed. And under our constitution every law must be made to govern everybody. There can be no special legislation. We could scarcely make a law that would be constitutional, that would give Des Moines a rigid primary and not touch anybody else, although our first primary was made applicable to counties having 75,000, I think, so as to cut out every county but this. That was the primary that we had previous to this. It was suggested by the appalling charges made in regard to corruption in congressional campaigns here. But that law did some good; but when it came to

making a general law applicable to all counties the farming counties generally accepted it, realizing that it would not mean much of a revolution and that possibly it would do good in the larger towns.

By Assemblyman HOWARD:

Q. Is there the same opportunity, Mr. Young, under the direct primary system, to distribute the candidates geographically in the State so as to bring the greatest strength to the ticket than there is under the convention system? A. No. In the nomination on a large ballot that matter is lost sight of. As I explained, the voter exercises his opinion on a few of the candidates, and then he concludes that he is in a hurry and that he has got to do something else, and then he votes for the first man whose name is mentioned for the succeeding office.

Q. In your judgment, in a State in which the political parties were nearly evenly balanced, and in which there was a clearly defined principle which each party laid down as their platform, would it be advisable to use a State-wide direct nomination for State officers? A. I think it would. If this State were quite evenly divided politically, I think the primary would be more satisfactory because we are worried by Democrats making Republican nominations.

Q. Where the Republicans are in the majority? A. Where they are in the majority the Democrats like to attend the elections. I am told that in Kentucky the Republicans have been regularly for a number of years assisting the Democrats in making their nominations.

Q. In Pennsylvania, where the Republican party is greatly in a majority, the Democrats complain that the Republicans nominate their candidates? A. Well, I am not familiar with that, but the question whether or not this would be politically expedient in the State where the parties were evenly divided, where each party was ambitious to present a well balanced ticket, scattered throughout the State, representing elements of both character and locality, that would be difficult to do under the primary system, unless the parties would do as the minority party does in this

State, agree on their ticket, so that their primaries are a matter of form.

Q. Don't you hold the joint primary here at the same time?

A. Yes, but the Democrats generally know who they are going to nominate, and they cast just enough votes to give them a nomination, and no opposition.

By Judge KNAPP:

Q. Some central committee that make up a slate, as it were?

A. Well, the Democratic party has always been able to understand itself by intuition in this State, all there is of it. (Laughter.)

By Senator MEADE:

Q. Mr. Young, you know in New York city we have a population of something like 4,000,000 or over, a great many classes and degrees of people; what would you say as to whether or not the direct primary system would be desirable for a city of that size and character, in which city one party is greatly in the majority?

A. Well, I think that would give the minority party a decided opportunity. Because the minority party could —

Q. Well, Mr. Young, I am thinking, particularly, as to the result of the government of the city, and the benefit to the people of the State, not to the party. A. Yes; well the minority party, I should judge in a condition like that, would strive to present the best men, and if they were so minded they could present their best men, because a party in the minority will obey the suggestions of its leaders to a greater degree than a party in a majority. I fancy that a minority party in a great city like that could nominate what the leaders thought was the strongest ticket, just as readily as by the caucus.

Q. You think then, in a city of that size, the so-called leaders, or bosses, would keep control just the same as they would under the caucus system? A. I think, in the minority party, they would be more able to do so. In the majority party where the nomination is equivalent to an election you have more difficulty in getting your best men nominated by any system you may adopt, whether it is a caucus or a primary. Because the fellows who are unworthy oftentimes have a certain following. The majority party would have

less control of its nomination both as to merit, locality and availability, than the minority party would have in the city of New York. This is only a theory.

Q. Then you think that the result would be in a city of that character that the direct primary system would not produce as desirable candidates as the convention system? A. It would not have a tendency to produce a better class of candidates in the majority party, considering the population of that great city. I was just assuming those conditions.

By Assemblyman CONKLIN:

Q. Of course you know that in the city of New York the average intelligence, I may say, is not equal to that of your community out here; that is, we have an enormous population that is very close to the illiterate, and a very large foreign element. Now do you fancy, with such an element as that participating in the election, that there would be much opportunity to secure desirable candidates? A. Well, there might be no advantage to New York in the primary itself; but after the majority party had several times nominated its worst men, the tendency would be possibly to have an awakened public conscience which would result in the election of the men of the other ticket. And finally it might bring it to be of some value in an educational sense. I am not capable really, of discussing that phase of the law.

By Judge KNAPP:

Q. If the majority party was able to participate in the primary of a minority party and nominate its own members, or weak men in that party, then the results which you speak of for the minority party would not be secured? A. No.

Q. That is the case in Philadelphia, a very common experience. A. I want to impress it on the Committee that everything I say in regard to the primary is with the explanation that a primary law ought to, in justice to the voters of the several parties, require registration, so that you know who are making the nominations. and whether or not they are entitled to act.

By Assemblyman HOWARD:

Q. And Mr. Young, you suggested that they be obliged to make a statement and be sworn that they intended to support or stand by a certain portion of the ticket. A. Yes.

Q. Would not a great many voters who would stoop to participate in a political primary of a party to which they did not belong, disregard such — their ballot is secret when they do go?

A. I suppose they would. And that was an unpopular suggestion even in this State, because the average voter, to him all elections look alike, and when you impose a condition on him he says his father fought with Sherman and Grant and he is not going to be deprived of any of his rights. So I believe this condition was not put in our ballot. We discussed the matter in making this supplementary ballot for United States Senator, and pledged, and it was first very popular to say that a voter should say that he was going to vote the Republican ticket for President and member of Congress and member of the Legislature; but the more it was considered by those who first proposed it the less popular it was, and it was abandoned — I see Mr. Ingham smiles at the history I am recalling.

Q. You mean by registration, party enrollment? A. Yes, party enrollment.

Q. You have such a thing as registration of voters here? A. Yes.

By Assemblyman PHILLIPS:

Q. That is in the election? A. In the election.

By Judge KNAPP:

Q. Can a man who is not registered as a voter vote at the primary? A. Yes, there is a way by which he can do it; makes a little affidavit. In fact at the recent primaries all a man had to do was to call for a Republican ballot.

By Assemblyman PHILLIPS:

Q. It has been claimed by some where the direct primary system prevailed that the man with the loud voice and the fat pocket-

book has a distinct advantage. What would you say as to your observations as to the operation of the law here in that respect?

A. Well, we have not had an exemplification of that because this condition of the loud voice and the fat pocketbook has not yet come on the scene. But it is mighty hard to beat a demagogue with a lot of money, whether it is a caucus or a convention or a primary.

Q. Do you think there is the same opportunity under the direct primary system for the office to seek the man as under the delegate and convention system? A. Why, I will give my opinion in another form. You know one criticism of the primary is the absence of the ability of the nominating power to make a second choice. Nearly all or many of our good nominations in conventions are made as a general break up and the common thought of the convention drifting to a worthy man. Garfield was nominated under those circumstances, and notable instances in congressional conventions are made. That is necessarily absent from the nominating power when it is given to the individual. But individuals may, without knowing it, nominate some man who proves to be quite as worthy as if he had been nominated with direct purpose as the result of information. I incline decidedly in favor of direct primaries as a means of nomination, if you can fix the hours and reduce the numbers in the precinct and give a list of those who are entitled to vote in the respective party primaries.

By Assemblyman PHILLIPS:

Q. What, in your judgment, would be the result, we will say, in a senatorial or congressional district which might have in it large centers of population? Would those large centers of population control the nomination? A. Yes, yes. And this is the tendency of this congressional district — the Seventh congressional district — made up of seven counties; the tendency of the direct nomination is to place the nomination of Congressman entirely in the hands of this county. But that has not — does not produce any change, because never once for the past thirty years — only once in thirty years has the nomination gone outside of this county.

By Assemblyman HOWARD:

Q. Did you have any experience here, during the time you have tried it, in local offices, the candidates being able to secure the required number of signers to their petition without any material political strength — who went in simply for the purpose of being induced to withdraw? A. Not worthy men, no.

By Judge KNAPP:

Q. Do the candidates sometimes induce others to become candidates — in other words, for the purpose of weakening the strength of their opponent? A. No, that has never been conspicuous.

Q. You have eliminated from Des Moines — A. The wards.

Q. Practically all party participation? A. Yes, yes.

Q. And you now have the commission system here? A. Yes. Our primary system in regard to nominating State officers is ideal. It is more easily regulated than a partisan primary, because every local voter can vote and there is no — you could not imagine a better way of nominating municipal officers and prohibiting partisan politics and giving every local voter a chance to vote for twice the number of those to be elected. He votes for five, ten, eight candidates for commissioners and two candidates for mayor. Then at the election he has another elimination and he votes for five only — one mayor and four councilmen.

Q. They are all placed on one ticket, are they? A. All on one ticket, that is printed by the State. And the election and campaign expenses prohibited, and the pulling and hauling of voters eliminated, and a limit placed on the hiring of conveyances or the soliciting of voters. If we could get so nice a system for the political parties to nominate as we have in this new style of city government, we would be very happy.

Q. You could not do that without eliminating parties altogether, could you? A. No, that would be true, I suppose.

Q. You are the proprietor and editor of some paper? A. Yes, a daily paper; *The Capital*, an evening paper.

Q. The Des Moines *Capital*? A. Yes, sir.

Q. And you were a State Senator about twelve years, I understand? A. Yes, sir.

Judge KNAPP: We are very much obliged to you, Mr. Young, for your attendance and assistance.

Mr. YOUNG: Welcome.

HARVEY INGHAM:

By Judge KNAPP:

Q. You are a resident of the city of Des Moines? A. Yes, sir.

Q. What is your occupation, Mr. Ingham? A. I am editor of the *Register and Leader* and *Evening Tribune*.

Q. That is a daily paper published here? A. Yes, both daily — morning and afternoon.

Q. How long have you lived in the city? A. Seven years.

Q. And formerly lived in the State? A. Born in the State.

Q. Have you had an acquaintance with political conditions, etc., in the State for some years? A. Yes, sir; I have attended the conventions.

Q. Have you held any official position? A. Postmaster at one time and Regent of the State University.

Q. You were here during the agitation for the enactment of a uniform primary law? A. Yes, sir.

Q. And have you observed the working of that law during its trial and subsequent to its trial in 1908? A. Yes, sir.

Q. Can you tell any advantages or disadvantages over the prior delegate and convention system in operation in the State since this law passed? A. I think I can; individual instances.

Q. You may state. A. Well, Mr. Young has referred to the Seventh congressional district, the district in which Des Moines is situated. Under the caucus and convention system the Polk county delegates, with the assistance of two-thirds of one other delegation, could control the convention. And under the ward system in Des Moines three or four of the downtown wards could control the city. The result is that in the last congressional contest under the old plan in this district we had undoubtedly the rottenest fight that was ever known in Iowa for the control of a few wards in the city where the disreputable vote congregated mostly. The outside counties counted absolutely nothing in the contest; they might as well not have sent delegates to the convention. As Mr. Young has said, for thirty years nobody was nom-

inated outside of Des Moines for Congress. Well, now we have our new system, and the Congressman from the district, who is a candidate for renomination, is here; his competitor, who was his competitor then, has announced his candidacy, and both of these men have already announced speaking campaigns in the rural districts; and will devote their time from now on until the nomination is made informing the people of this district where they stand and why they stand there, and to awakening the individual voter up in this county to the importance of his nomination. This is a very marked change, in my opinion, in the method of conducting political nominations.

By Assemblyman PHILLIPS:

Q. Isn't that rather expensive for the candidates? A. Well, I don't think it will be as expensive as it was before; they were credited with putting in \$40,000 before, the last time they carried the State, and for that amount you could go around touring through the country a good deal, making speeches. (Laughter.)

By Judge KNAPP:

Q. Well, it would be possible, I suppose, to conduct a pretty stiff sort of a campaign procuring votes even at this price? A. Well, our law is very strict.

Q. That is your corrupt practices law, you mean? A. Yes, sir.

Q. So that under your corrupt practices law you don't have the trouble that you have had heretofore? A. I think it would be practically impossible to spend money as it was before.

Q. If you should elect delegates to the caucus and you are controlled by the corrupt practices act in precisely the same way as you are in direct primary, would that eliminate some of the — A. It would be a great improvement over the old conditions.

Q. So that your answer that the direct primary is an improvement in that respect over the old conditions has also reference to the provisions of the corrupt practices act that are in force on the primary and were not under the old? A. Yes; the change in Iowa was a complete change from an unregulated and absolutely unlegalized method of nomination to a legalized method, and we had no legalized methods of nominations that the courts would recognize.

By Assemblyman PHILLIPS:

Q. Simply controlled by party rules? A. Purely by party rules.

By Judge KNAPP:

Q. You are unable to state what the condition would have been if you had a legalized method of selecting them? A. We would be reduced to merely the question of direct nomination against convention nomination. My own opinion is, that in this district nomination would still carry the question home to the individual, for in the outside counties, where the convention would not, because the delegates from Polk county and part of the delegation from another county would nominate in the convention. And the result is that Polk county would simply make such alliances as it needed to get control of the convention, and the other counties might as well not attend.

Q. Was it that unfortunate condition in this particular instance that led to the agitation for the direct primaries? A. I think it had a good deal to do with it.

Q. The agitation for the direct primary was not extensive in the rural districts — the rural counties — of this State, was it? A. Well, in one way, yes; and in one way, no. Of course, a great many of the rural counties of the State had the direct primary for the nomination of county officers, and were, therefore, accustomed to it. They very readily accepted the proposition to extend it to the State and congressional nominations.

Q. And they wanted their neighbors to be good as well as themselves? A. I think they felt that they would be free from a certain machine domination here in the State, if the nominations were made direct.

Q. Any other advantages which you claim, benefits which have been secured by this primary? A. Well, I think it results in what I call political leadership as distinguished from machine management. Now, under any political system, you are bound to have political leaders, men who will manage the sentiment of the State. What I esteem political leadership is the domination of men who go out to conventions and who would appeal to the intelligence of the party and secure their control in that way, which I believe to be

the result of the direct primary. On the other hand the machine domination is the capacity of a man of considerable brightness and skill to handle other men, and through them to handle other people until they can control the convention; and that has been manifested here in this State for many years in the thirty-third degree.

By Assemblyman CONKLIN:

Q. You have said that a man under this system has got to go out and state for what he stands. Well, does he not have to do that at the general election? A. Well, that is as to the candidate of the opposing party.

Q. Well, don't the party stand for something? A. Well, in a great many cities in this State different men represent different tendencies in the party.

Q. Well, then, what the man — what the candidate might state as his individual position would be in addition to the party principles and platforms? A. Well, it would amount to giving the people an opportunity to exercise certain tendencies in the party by their nomination.

Q. That is the people — the adherence to party would be so strong at the general election that irrespective of who the candidate was, or what he stood for at the general election, the people would be apt to support him? A. Well, I think that is generally true.

Q. Well, suppose we carry this thing back a little further to where you have direct nominations now for candidates at the primary, suppose the parties were divided into factions and part of them became very closely allied to one faction, and that faction was under the control of some unofficial delegate system, would it then be necessary to carry it back and have a direct voting at that pre-primary scheme? A. Well, of course, you are supposing a great many conditions.

Q. Such a condition of affairs really does exist in some cities in some parts of Pennsylvania; that is the reason I have mentioned it? A. Of course the people have it in their own hands at direct primary to determine how far they will be governed by any

faction; and Colonel Young has already said, as the majority has voted, why they are entitled to their right.

By Judge KNAPP:

Q. You said that the people have it in their own hands; take the case of such conditions as we have, for instance, in the city of New York, where there is a large part of the population that is, at least, to a certain degree illiterate. Do you think those people can determine as to the wisdom or unwisdom of selecting this man or that man; or isn't it true, as a matter of history, that they are simply guided by the strong arm or wisdom of some leader or design of some leader? A. Well, I assume that there will always be leadership.

Q. You have in this State, about what percentage of illiteracy? A. Very small.

Q. Do you know what it is? A. I think not to exceed 2 or 3 per cent.

Q. And the business of the State is largely farming, as a rule? A. Yes, very largely.

Q. This is the largest city of about 100,000? A. The largest city.

Q. And in this city and in some other cities you have adopted the commission system of government? A. Commission system.

Q. And eliminated parties? A. Yes, sir.

Q. Do you think there is any tendency or agitation towards the elimination of parties by the extension of the Des Moines system to State politics? A. I think not.

Q. Are there any defects in this system which you have adopted in the State under the uniform primary that have become apparent or observable? A. I think that one defect has already been mentioned by Col. Young, that is in the printing of the names on the ballot there seems to be an undue advantage to the man whose name begins with "A," if his name appears at the top of the ballot throughout, and that has been remedied by the last Legislature which has provided for an alternative arrangement of the names.

Q. Based on the Kansas method? A. I don't remember that, but I remember that on every hundred ballots the names are shifted.

Q. Kansas has a similar amendment passed last year? A. Yes.

Q. Is that the only defect in the system that you have observed?

A. Well, there is no system can be perfect that deals with human nature. There is a defect that I think in our whole system of government that affects the conventions and primaries; and that is the large number of minor elective offices. Now in this State we elected by State parties the clerk of the Supreme Court, the reporter of the Supreme Court; we elect our members of the State Railroad Commission and a number of minor offices; and it multiplies, it makes a multiplicity of candidacies and it makes it very difficult for the average citizen to post himself on the character of the man. As Col. Young has already informed you, a man ran for Railroad Commissioner and got his name on as the primary candidate and secured a very large vote in the State and was perfectly an unknown man. Even intelligent men cannot be expected to give that close attention to politics and inform themselves on who would be a fit reporter of the Supreme Court of the State.

Q. You believe, then, in the short ballot, that is, at the primary?

A. I believe in very much shortening the ballot and electing fair men and holding them responsible, practically.

Q. As a matter of fact, did 75 per cent. of your people know the day after election who they voted for for Railroad Commissioner?

A. I think not.

Q. Or any of the other officers where there was no great contest?

A. No. At least I think not, I think not. Of course, that is just as true of the convention system. I think very few men are named by interference of the delegates or by the opinion of the delegates. or that the delegates can tell the next day for whom they voted.

Q. So although theoretically true, the people can go to the primary to make their elections and choices and get the best men; in fact they do not do it? A. Oh, they do, just as much as they would in conventions.

Q. But in the convention systems they do not pretend to do it; they simply select delegates governed by law who are supposed to represent their best interests? A. Yes, the outcome is just as satisfactory under the primary system as under the convention system.

Q. Do you think you got just as satisfactory candidates? A. I think so and better.

Q. If you have had a large number of candidates for Railroad Commissioner and this man had been nominated by this process, it would be difficult to see why? A. Well, I am not certain that he would not have been as good as we would get the other way when the railroads named the man. (Laughter.)

Q. Well, you admit then that the railroads dominated the authorities? A. I think the whole evil of the convention system is the domination by managers, political managers who generally meet in hotel rooms, who are not in the convention at all, and who pick the men that they want in the places where they want them while the convention may have an incidental mention as to the officers, but the men that are named are named by the men who are there for that purpose; that is my observation of the convention system; I think there is a committee in a hotel room outside that is attending to the convention always.

Q. Church organizations and other organizations very frequently have committees appointed to nominate officers? A. Yes, that is supposed to be a wise provision because they can sit down and talk it over. (Laughter.)

By Assemblyman PHILLIPS:

Q. They don't run a political organization exactly as they do a church organization?

WITNESS: Sometimes. (Laughter.)

Q. I understand from Col. Young's statement that substantially the leadership of the party has thus far succeeded in nominating the person selected by it? A. Well, I made a distinction between leadership and the political machine and I think that is correct.

Q. Those constituting the leadership that you speak of are not the same persons that constitute the political machine? A. No, sir.

Q. But may become another machine? A. No. I think leadership is always distinct from machine manipulation. Leadership convinces the intelligence of the people and leads them. Theodore Roosevelt was a political leader and not a political organizer. Senator Cummins is a political leader; I do not consider him a political organizer. Now, Mr. Blythe, of this city, was a political organizer; not a man who ever appeared in public; never made an appeal personally; but was very adroit in picking his lieutenants

and seeing the things were carried out; a very able man. I think there is a very wide distinction there and I think it should always be kept in mind in discussing these matters between leadership and machine organization, and that is the distinction between convention system and direct primary.

By Assemblyman PHILLIPS:

Q. Do you think, Mr. Ingham, the primary has had any effect on real party leadership? A. Yes, I think it has strengthened it.

Q. That is, you wouldn't say that party organization has disintegrated? A. Not at all.

By Judge KNAPP:

Q. The intention, so to speak, of the primary system, is to eliminate from party councils or conventions the idea of nominating any of its officers, is it not; simply make it the council or convention as declaring the principles of the party? A. That's all.

Q. And that it has nothing to do whatever with the selection of nominees? A. That is true.

Q. And that is the theory under which this law is worked? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. May I ask right there — excuse me for interrupting you, Judge. How do you — perhaps Col. Young stated that before I got here. How is your platform made? A. By the convention. That is really the purpose for which it is held.

Q. By this convention; how is that made up? A. By delegates who are chosen at the primary.

Q. For the purpose of making that platform? A. Yes, and attending to such business as is necessary for the party at large.

Q. Now that convention is held after the candidates are nominated? A. Yes, sir; the candidates are nominated at the time the delegates are nominated to the convention.

By Judge KNAPP:

Q. Then these delegates fix the platform upon which the candidates are supposed to make their campaign? A. Yes, sir, that is my understanding.

Q. How do we know that these candidates will accept any platform made by those delegates? A. Well, that is part of the party organization. A candidate who is entirely out of harmony with his party of course, cannot run as a party man — and it is like our acceptance of the Tariff Law; it is the law which has been made by our party; no matter how bitterly we may oppose it, why there is nothing further to do but accept it.

Q. Well, you think a candidate accepts those propositions where they are in entire harmony with the sentiment expressed in such platforms or not? A. Oh, I think that is true under any system.

Q. The Kansas City system provides for a council of the party made up of the chairmen of the county committees that are elected at the primaries and the candidates themselves, the candidates themselves being in a majority in the State councils. Don't you think you would get a better platform by that process that would be more acceptable to the candidates, if they participated in this council? A. While there might be something to be said on that, I have never given it much consideration. You see our whole experiment has yet to be tried here; the first primary was held with the United States Senator and we've never got far enough yet with it to know about this, but the further they will, we are sure —

Q. You have not held a primary, then, to cover all the officers of the State?

Mr. YOUNG: Yes, we did last year. We had a State convention last year.

Mr. HAYWARD: Yes.

Mr. INGHAM: It met at Waterloo, didn't it? Yes, that was — well, we have had one of these conventions.

Mr. YOUNG: Nominated our Governor last year by primary.

By Judge KNAPP:

Q. You think, then, you can retain a cohesive energetic loyal working party force without having attached to it any thought of the nomination of candidates for office or the selection of candidates for office? A. You mean a vital convention?

Q. A vital convention and political organization, so to speak, that is efficient to work for the benefit of the party? A. So far as the latter is concerned I always believed that there is more of

cohesion amongst people of similar mind who are controlled by ideas than there is amongst people who are controlled by interests. I think a party is always much stronger in which there is vitality of sentiment than there is in which there is community of interest.

Q. Now, following that line, for a moment — when a Governor is nominated by a primary after a contest and elected at the election following, isn't it true that he selects for his advisers in the distribution of his patronage that belongs to that office, those that favored him in the primary rather than taking those who were opposed to him in the primary? A. Well, I would presume that would be true, but always with reference to the sentiments and feelings of the community at large. As Col. Young has said, his eye is always seeing what the people are going to say about it in the rural districts.

Q. Well, what was your experience last year as to your Governor; did he select friends or enemies at the primary? A. I think the Governor was very fair in his appointments. I think he made very little distinction.

Q. Your paper supported the Governor that succeeded last year? A. Well, we didn't take a very important part, as we were rather for Senator Garst, his opponent. I think Governor Carroll's appointments have been very satisfactory.

Q. That does not answer the suggestion as to whether they were selected from his friends at the primaries, or his enemies, to say that they were very satisfactory people? A. I don't think it is possible to build up a machine in that way. In this State with the press fair and independent as it is, and with the very intelligent public sentiment over the State, a man who attempted to build up a machine by the use of patronage here, especially an unfair use, would be so open to criticism that it would do much more harm than it would do him good.

By Assemblyman HOWARD:

Q. I would like to ask you, had you any means of determining the number of voters, the percentage of voters who participated in the primaries in such rural counties as did not have your direct nominations before this law went into effect? A. That is, whether more participated under the primary than took part in the direct nominations?

Q. Yes, if you have had any information on that at all? A. We have not, although the showing would be very favorable to the primary, because the primary, the first primary, involved United States Senatorship and it involved a very definite and clear-cut issue in the State.

By Assemblyman PHILLIPS:

Q. That was the Cummins contest? A. Senator Allison the first year and Senator Cummins later.

Q. Senator Allison beat him first? A. Yes; it was a very desperate contest; and the second contest, of course, Cummins was Senator afterward and I think the interest survived.

By Assemblyman HOWARD:

Q. Now let me ask you: the plan being new to a portion of your State, at least, and it being the first time that the United States Senatorship had come up, even where they had the system before, didn't that create an unusual interest? A. Yes, it did.

Q. And is it your judgment — that is asking for your personal judgment — will the same interest be manifested under the direct primary system, after it has been working for some time, that apparently was manifested at that time? A. Well, I think it will and for this reason, every primary involves the naming of supervisors and the county officers, a local fight, and that will bring the people to the polls; in that way there will be the same interest in that.

Q. Of course, the question of the Governor is a question that would be more important to the people? A. I think so long as there is a local contest in an election you will always find that the people will go to the polls.

Q. Then you unite your local primary with your general — A. Yes, we have biennial elections here that cover everything once in two years; and there is our primary that covers our local officers as well as our State and Congressional officers.

Q. Do you think under that system that sometimes if there is any agitation on State affairs that they lose sight of the local officers and put their party ticket through regardless of the qualifications of the men on it? A. In the biennial election?

Q. Yes, in the biennial election, I mean? A. Well, I don't know; I think the experience of this city has been that in local officers there is a good deal of cutting. It is in the county that I am unfortunately acquainted with.

Q. I know in my own county they have kept a local election, town and village, separate on the theory that they would lose sight of the men? A. Well, I think in this State that even in Presidential elections there is no assurance that the Republican candidate for surveyor or sheriff will be elected. I have known Democrats to be elected in very straight Republican counties in Presidential years.

Q. What form of ballot do you use at your general election? A. It is very similar to the New York ballot, although we have got the circle off it now.

Q. You make them vote for the individual? A. Each individual.

Q. There is no way to vote the party column then? A. No, although we have got an arrangement now for the party column; we don't use that.

By Assemblyman PHILLIPS:

Q. Except the voting machine? A. The voting machine shows the party vote.

Q. But on the ballot you must mark every candidate.

By Assemblyman HOWARD:

Q. But in such districts as use the voting machine? A. Yes, there you can; with one lever you will vote the whole party ticket. That has a tendency, I think, to make and maintain party regularity, I think. There are a good many votes for the minor officers that they wouldn't get if a man had to mark the ballot.

Q. Don't you believe, where they have to mark the names for the minor offices, they fail to vote for them oftentimes? A. Very often.

By Judge KNAPP:

Q. Some one said you were familiar with the system that has been adopted in Buffalo, Erie county, New York, in the matter of

holding its primary or caucuses? A. Well, I have heard of it incidentally. I have relatives there in Buffalo.

Q. Could you express yourself in regard to that? A. I could not, with any definiteness.

By Senator MEADE:

Q. Mr. Ingham, we have been plying you with questions in one way or another. If you have any general statement that we have not covered that you would like to give of any kind on the subject —

By Assemblyman PHILLIPS:

General statement of what has not been covered by the questions — well, of the evils which the primary system has eliminated and the better results that have been obtained, if you have any. A general review of your observation as to the operation of the law? A. Well, I would emphasize very particularly our own experience in the Congressional district by which you eliminate the machine manipulation in a few important wards and appeal directly to the masses of the people. I think as I have said before that it tends to political leadership as distinguished from machine management in party affairs and it brings the party together on the basis of an intelligent opinion on public questions instead of upon a basis of self-interest, worked and manipulated by party managers. I think it strengthens the party because it substitutes ideas and convictions for interest. Now, how far that would apply to a city like New York, of course, that is a different matter, but in a State like this, where our people are a virtuous intelligent people, you bring politics directly home to them and you get an intelligent organization on a basis of principles that are understood and debated in the homes.

By Senator MEADE:

Q. Will you give us, Mr. Ingham, your personal judgment as to how that would work in a city like New York? You know the conditions there? A. Well, my opinion is that in the city of New York, where the masses of the people vote at the general election, where they are presumed to be represented in your con-

ventions, that you would be just as safe to have them represented in your primaries. And that anything that can be said about the primary system in New York can be said about the general election in New York and conventions in New York. The tendency of direct primary is to bring political matters directly home to the individual, interest him in an intelligent way in what is going on. The convention system, in my observation, don't appeal highly to his interests, it seems to me, either for a glass of beer, or for some other consideration, combined with a certain machine for the proposing or polling of votes.

By Assemblyman CONKLIN:

Q. Do you think that this scheme that you have got in Iowa, the Des Moines system of municipal government, would be good in operation in so large a city as the city of New York? A. No question about it. It is the method by which the New York Central Railroad is operated and the Union Pacific and the new York Life Insurance Company.

Q. Under this commission system? A. Yes; a board of directors. Simplest proposition there is in the business world.

Q. Well, you know in the city of New York, at present, we have a very large so-called independent vote; a vote that would be apt to change from one election to the other, of from 50,000 to 75,000 votes; oftentimes showing a difference of 100,000 to 150,000 in the result of an election. Do you think that the direct primaries, apart from this commission scheme of municipal government, will have a tendency to eliminate such independent vote and drive the people back into their parties, where they might fight out there the battle of good and bad candidates? A. Well, the independent voter — I don't know whether any system would make him line up or not. They have tried it in Massachusetts; I don't know with what results. Well, they have a right to participate in nominations, so that I don't know that it changes the situation any. There is this: If a man is going to be an independent voter he should simply remain independent.

By Assemblyman PHILLIPS:

Q. Do the people who participate under a Republican primary, do they feel bound by the result of the primary; or is there any

independent movement after the candidate is nominated? A. Why my belief is there is more of a tendency for the people to be satisfied with the result after the primary than there is after a convention nomination. Of course, there is some dissatisfaction, you know, after any nomination, no matter how you do it.

By Assemblyman HOWARD:

Q. I think you made the statement that the person who appears first on the primary ballot has a distinct advantage? A. I think so.

Q. In his name appearing all the way through? A. Yes, on all the ballots.

By Senator MEADE:

Q. Have you any idea as to what percentage that would give him of advantage? A. Well, I don't know. I think in our State it might be as high as 10,000 votes.

By Assemblyman HOWARD:

Q. Out of how many? A. Oh, I think it would be, perhaps, enough to be very decided, that is, in a close contest, out of 200,000; that is, there are a certain number of careless voters; in the presidential election I think you will find that the first men on the list of the last presidential electors will run very much higher than the last man.

Q. Don't you have any system on your general election ballot whereby a man could vote for all of the electors with one mark? A. No; mark them all. They would mark about half way down and get tired.

Q. Well, would it be a disadvantage or anything that would be improper in permitting them to mark for a class of men like that with one mark? A. Oh, our ballot is a compromise, to an extent. It is neither one thing nor the other. We got rid of the circle, the same as you are trying to do in New York, and did not get the Massachusetts ballot, which marks the head of that ballot; they mark — now, we have a strung-out ballot or ticket, upon which he has to vote one man; everything on the ballot by itself;

and it makes a blanket sheet ballot for this man to mark all over it.

By Senator MEADE:

Q. Do you think a man ought to be allowed to vote a stright party ticket if he wants to, by making his mark? A. I have always been friendly with the Massachusetts ballot, where all the candidates for certain offices are bunched together, and they keep a man marking for the man he wants. But it has not been discussed much here in Iowa — never been adopted. But we did get rid of the circle at the head of the ticket, so they could not vote the entire party ticket. That was due to the fact that there was always a mismarking of the ballots on the part of those who attempted to vote for some one candidate on another ticket, and it would lead to throwing out a certain number of votes. Now, a Democratic candidate for Congress here — Mr. Wood — was defeated because the men who voted for him did not mark their ballots right. Enough ballots were thrown out to change the result.

By Judge KNAPP:

Q. That is, we marked the circle that would vote a straight ticket, and if we want to vote for a man on the other ticket, we simply marked that other man? A. That was our original plan, but that involves trouble occasionally in elections, as in the case of your Mr. Jerome, who was on one ballot by himself, and the people voted for Hearst in the circle and then voted for Jerome in the circle, and I believe they threw them out for both, didn't they?

By Judge KNAPP:

Q. He was elected. A. Well, that made a very bitter controversy; I don't know anything about it; I don't know how much, but I mean to say enough to find out it was possible to mismark that New York ballot.

By Assemblyman PHILLIPS:

Q. Well, the question is, Mr. Ingham, whether you should

make it easier for certain percentage of party men who desire to split their ticket, to cast that extra burden upon the large percentage of party men who desire to vote the straight ticket? A. Well, that is purely incidental. I think there has been no ballot devised that has been wholly satisfactory. I think any ballot that the people get used to is much more satisfactory than continual changes. We have had nothing but trouble in changing our ballots. The first ballot we had in Iowa is a better ballot than we have had since. It had a circle at the head of the ticket, upon which you could vote the entire ticket marking in that circle. Then if you wanted to vote for some candidate in another ticket, you marked opposite the name, the candidate's name, in your ticket. That is your system. You made the two marks. One for each. And we haven't had as good a ballot since. I think the Massachusetts ballot is a fair ballot, on the whole.

Q. Of course, that does away with the emblem and everything?

A. Yes; you just get — four candidates for Governor you have to make a mark; it compels every citizen to pick out his candidates.

By Senator MEADE:

Q. Have you any educational qualifications in this State for voters? A. No; no educational qualifications for electors.

Q. You would have to have something of that sort if you do away with the emblem, wouldn't you? A. Well, the voting would be an educational qualification. If a man couldn't read his ticket he wouldn't vote in the right place.

By Assemblyman PHILLIPS:

Q. The result would be that a great many of them wouldn't vote for a great many of the candidates on the ticket, wouldn't it?

A. Well, they don't do that now. You would be surprised, I will guarantee, at any precinct, to look over the ballots.

By Judge KNAPP:

Q. Well, if there is nothing more on the subject of direct primary, we will excuse Mr. Ingham. Very much obliged to you, Mr. Ingham.

CHARLES A. FINKBINE:

By Judge KNAPP:

Q. You are a resident of the city of Des Moines and a Republican in politics? A. Yes, sir. I have a paper containing the figures from the Iowa Official Register, which is a document published by the State of Iowa showing the record of the primary in Polk county, including the city of Des Moines, in 1908. (Paper marked Exhibit No. 1.) I have never been a candidate. I am a lumber dealer, of the Wisconsin Lumber Company. I have held no political office and never been a candidate for office.

Q. Mr. Finkbine, suppose you tell the stenographer here, or the Committee, rather, and the stenographer will get it, just what your observation is as to the working of this primary law last year. What defects, if any, are disclosed in its operation?

By Assemblyman PHILLIPS:

Q. What evils it cured, if any? A. It didn't cure any evil, thank you. (Laughter.) We had just as good people, just as honest officials, then and we had just as good people and just as honest State and county officials under the old caucus system of electing our officers as we have had since the adoption of this new primary law.

Q. Well, is it just as easy under the new primary law to induce men of reputation and standing to go into a personal contest for nomination for offices, minor offices? A. Yes, I think it is. It don't make any difference; if they had the office microbe or germ in their system they would go in any way; probably the same figures under the new system.

By Senator MEADE:

Q. Are they of as high a class? A. No, I don't think they are.

Q. Now just tell us what, if any, evils the primary has disclosed? A. Well, it is almighty expensive to make a State campaign; a man really has to have workers in every precinct in every county of the State under this method, except, perhaps, in the one county where he resides. And I think there is an expense of campaign here much greater under direct primary system than under the old system. Another thing. Under direct primary

system there is always one office, or possibly two, that are the storm centers, and it is to those offices to which attention is directed preceding the primary; and there is always more or less information obtained by the voters to the exclusion of any knowledge or information as to the balance of the ticket.

Q. That is done by a speaking campaign and a newspaper campaign, is it not? A. Yes, sir. So that when the voter goes in to vote at the primary day he knows who he wants to vote for for one or two offices and for the rest of them he is absolutely ignorant; probably never heard of them; knows nothing as to the qualifications or merits or claims. And that is the reason he votes for the first name he comes to.

Q. Do you think the amendment that was passed last year, changing that order, will help that situation to any great extent? A. It will help it some.

Q. But still would it not be true that they vote accidentally? A. It will be the first ones who receive it.

Q. Rather than intentionally for any particular man? A. Yes.

Q. You do not believe, then, that even in Iowa, intelligent State as it is, that a very large majority of the people really know enough about the candidates to select them? A. No, I don't think they do.

Q. Below the very important offices? A. Below the offices on which the fight is centered.

Q. Would you say it is desirable to have fewer elective officers and to have the vote modified by which delegates to a convention could consider these things more carefully? A. Have delegates to a convention and elect them — delegate to them the duty of investigating the claims of the different candidates.

Q. Would it be your judgment, then, if the delegate and convention system could be safeguarded by law, so that every county would have a fair show and an honest count and an honest decision in the caucus and convention, that you are liable to secure a better class of candidates? A. Yes, sir, than under the primary system.

Q. Well, what do you say about the plurality method of nominating candidates under this system, where there are large num-

bers of men candidates for the same office and one receives, as the nominee, but a small plurality of the votes cast? A. I don't think that is the —

Q. Is that an expression of a majority sentiment of the community? A. No, it is not. I don't think it is good for party organizations to have that; they should have a majority of their party instead of a plurality.

Q. As to a majority of the party, what effect does this sort of primary fight, bitter and long continued, have upon the party organization? A. It weakens the lines.

Q. Doesn't it make divisions? A. Yes.

Q. And that runs through the election sometimes? A. It weakens the party lines.

Q. And as to the minority party; do they have any particular interest in participating in their own primary? A. No; their interest is to get over the fence and participate in our primaries.

Q. What was your observation as to that general participation at the last primary that you held in this State? A. I noticed that the two Republican candidates for United States Senator received in the aggregate in this county 2,600 more votes than Taft received at the election held the same day.

Q. At that primary? A. At that primary.

Q. That was a special primary under a special statute, was it not for that — to cover that particularly? A. Caused by the death of Senator Allison subsequent to the —

Q. Subsequent to the primary, and then the Legislature elected him? A. Yes.

By Assemblyman PHILLIPS:

Q. I would like to ask what is your observation, then, in regard to the so-called party boss; has his power been curtailed under this direct primary system? A. None whatever. He has got more than he had before, if anything.

By Judge KNAPP:

Q. Don't the bosses change sometimes under it? A. Well, this has not been in force long enough to answer that question.

Q. Would you say that the tendency of the successful candidate,

who has patronage at his disposal, is to select from his friends who supported him in the primary his advisers and counsellors and those who are to do the administrative work and clerical work of the administration, or select them from those who were enemies to him in the primary? A. Give me that again.

Mr. PHILLIPS: Thank you. (Laughter.)

Q. As to the successful man at the primary, is he is not more inclined to select from those who favored him in the primary his assistants and subordinates and distribute the patronage among them than he is to distribute it generally among Republicans who supported him at the polls, and build up a machine in that way of his own? A. I don't know; but in this State a nomination at the hands of the Republican party is equivalent to an election, and consequently the primary is more important to the candidate than a general election.

Q. When he gets the office to whom does he give the offices, those who supported him in the primary? A. Yes.

Q. And isn't it possible for him to build up a machine of his own in that way? A. Yes; certainly it is.

By Senator MEADE:

Q. In other words, if I understand you, you do not think it has changed the spoils system? A. Not a particle.

Q. What have you to say about the possibility of a young man without funds entering a campaign and winning out under the direct primary system? A. He would have a great deal of difficulty in a State campaign; he might be all right in a county, but without funds he would have a hard row to hoe in a State campaign, if there was anybody besides himself to select for the office, I would say.

Q. Would he stand any show against a man who had plenty of funds? A. No, sir; he would not.

Q. And a loud voice? A. No, sir; he would not.

By Assemblyman HOWARD:

Q. Would not the alternating of the names on the ballot, as your amendment last year fixes it, so that everyone that changed or — whether, in your opinion, that would disfranchise illiterate

voters absolutely in a place like New York city; in other words, it would be impossible to point out to them the place on the ballot where the man's name occurred; nobody would know what ballot they might get? A. Yes, I presume that is so. We have not worked under that; had any election under that law yet, you know.

Q. But your percentage of illiteracy is very, very small? A. Very, very small in Iowa.

Q. You have no large centers where there is any foreign element? A. No, sir.

By Assemblyman CONKLIN:

Q. May I ask whether you include, in your opinion here of direct primaries, the commission form of government for cities? A. No.

Q. You favor that? A. I favor that.

Q. Isn't that an outgrowth of the direct primary system? A. No.

Q. You don't identify the two? A. No, they are not allied at all.

Q. Well, under this commission system there are presented a number of names, are there not, in which selections are made irrespective of party, to be voted upon at the general election? A. Yes, sir; and it is confined to the cities.

By Assemblyman PHILLIPS:

Q. That has nothing to do with the party primary? A. That has nothing to do with any party organization. It is in regard to the government of municipal organization alone. And the unit is the city, and the voters are supposed, theoretically, to know every candidate in the city, whether they do or not; but that is the theory of it, and therefore they can make the best selection. In the State-wide primary there ain't — well, the percentage of those acquainted with the candidates for State officers is very small.

Q. Well, does the commission system tend to eliminate the national party from municipal politics? A. Yes; there is no party in it.

Q. It would practically tend to do without any party? A. Yes; no parties enter into the consideration at all in the commission system of government in the city.

Q. And it has worked well in the cities in which it has been tried here? A. It has in the only city that I know anything about; it has worked very well here. Depends largely upon the character of the men whom you select.

By Judge KNAPP:

Q. At that time there was a committee of 500 self-appointed citizens here that suggested candidates for those positions for the first election, was there not? A. Yes, sir.

Q. And not a single one of them was — A. Not a single one of them was nominated.

Q. Well, how did that happen? A. Too much Harvey Ingham and Lafe Young; that was the trouble.

Q. Was it a self-seeking campaign that followed by the candidates themselves seeking these offices? A. Yes, sir.

Q. Rather than those who were selected or suggested by this committee? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. Is there the same opportunity under the direct primary system for the office to seek the man as under the convention and delegate system? A. I should think that there was fully the same opportunity.

Q. For the office to seek the man? A. Oh, no, no, no.

Q. Whether under the direct primary system there was the same opportunity for the office to seek the man as under the convention and delegate system? A. There is the same opportunity; but as a matter of fact, there is more of the man seeking the office than there is of the office seeking the man.

Q. What do you think would be the result under the direct primary system, for instance, where you had a senatorial district or a judicial district in which there was a large center of population and the plan of the district made up of purely rural communities; what opportunity would there be for a man being nominated from the rural community under this direct primary sys-

tem? A. He wouldn't have any show. It was in the direct primary — there was given in the State at the June primary last year — all the county officers were nominated from the county seat towns.

Q. Simply because that was the largest town in the county?

A. Because the voters of the town exercised the chance of voting.

Q. There were more voters they could get out there? A. Yes; and they knew the candidates that were town people.

Judge KNAPP: I wanted to get the record of some of the rest of these gentlemen here in the room.

ROBERT FULLERTON, of the city of Des Moines, Republican party affiliations:

I agree with what Mr. Finkbine has said.

By Judge KNAPP:

Q. I think you went to Washington as a tariff expert recently, didn't you, for the Tariff Commission? A. Yes, I was accused of doing that.

Q. What is your occupation? A. Lumberman.

Q. Ever been in any political position whatever? A. No.

Q. Never sought it? A. Well, I was postmaster at Marblehead village where we had a lime kiln. And it was hard to get rid of the office.

Q. You ran for mayor of Des Moines one time? A. That was twenty years ago.

Q. You are the president of the Civic League of this city? A. Yes, sir.

Q. What is that, a reform association? A. I presume it is, although it is in innocuous desuetude; for some time it has not done much.

Q. Did you hear the statement of Mr. Finkbine? A. Yes.

Q. What do you say as to whether you concur in what he has said on this direct primary? A. I think he presents the facts of its operation very clear.

Q. Have you anything to say in addition to what he has said?

A. No, he says all that I would say on the subject. I think that a man who is a good talker and has plenty of means would have a

great advantage over a man who could not talk well and was in limited circumstances, especially as a candidate for a State office.

Q. Do the newspapers themselves profit by this system through advertisement of candidates and through the publication of primary ballots, etc.? A. I think they do and I think if there is any profit that a newspaper can escape from — I don't know that there is.

Q. As a matter of fact it has proven quite profitable to newspapers in the matter of public printing of private virtues?

A. Yes. Innumerable notices of candidates and photographs.

Q. Do they use cartoons to any extent? A. Oh, yes. We have one cartoonist in our town here. I don't know whether that costs much.

Q. During the primaries? A. Yes.

By Assemblyman PHILLIPS:

Q. Do you think that the primary system produces any better or abler candidates than the convention and delegate system?

A. No, I do not.

Q. Does it produce as good? A. No, sir. That would presume that the average voter was a better judge of the capacity of the candidates than elective delegates to a convention, and that is not so. The average voter certainly has not got as much intelligence or as much opportunity of knowing the capacity and character of a candidate as a convention would.

By Assemblyman CONKLIN:

Q. Well, is it of any assistance in educating the people, in inducing them to take a greater interest in elections and thus elevating them? A. Well, on the minor offices, it would be, of course, impossible to get up a campaign of education that would inform every voter as to the capacity and character of the candidate for the minor offices.

Q. I mean the encouraging them to take a more intelligent interest in the public affairs; does it tend toward the betterment of the community? A. Well, it might tend toward that direction, but then it would take a long time to bring about much reform in that direction; and our farmer is liable to take a chance on the candidate.

JAMES B. WEAVER, JR.:

By Judge KNAPP:

Q. You are a resident of the city of Des Moines and a lawyer and of Republican affiliation? A. Yes.

Q. You have been a resident of this city and State? A. All my life a resident of the State.

Q. Have held political position? A. Never.

Q. Never been an aspirant for office? A. No, sir.

Q. Now, you have heard the statement of Mr. Finkbine and the statement of Mr. Fullerton, just made; state whether or not you concur in their statements and conclusions? A. In a general way, yes, but I have not made a study of the primary law, of its workings and have not observed them closely enough. Our primary law is new. These gentlemen who have testified, particularly Mr. Finkbine, have been actively connected with the contests under the new law and have had a chance to observe it, opportunities that I have not had and to study it. I am not even informed of the statistics which he has submitted here. By inclination—I do recognize, however, that the expense of the candidacy is vastly increased; I think the expense of the election is very heavy throughout the State, the primary election; I forget the figures now; but they were very large, and it is true also that—more than formerly I think—they are less acquainted with the personnel of the candidacy from the ticket than would customarily be true. Now I do not wish to commit myself definitely to opposition to the primary system, as distinguished from the caucus system. I do not feel that we have had it long enough to be sure of that, nor that I know anything about it. I just give you my impressions after the very brief experience we have had with it in this State.

SIDNEY FOSTER:

Q. You are a resident of the city of Des Moines? A. Yes, sir. Life insurance business.

Q. Have you ever held any political office? A. Yes, sir; in a small way, yes.

Q. What? A. I was connected with the park system here for some years.

Q. An appointive office? A. No, sir.

Q. You are of the Republican party affiliation? A. Always.

Q. You heard the statement of Mr. Finkbine and the statement of Mr. Fullerton. Will you state generally whether you concur in their statements as to the effect of the working of the direct primary system as adopted in the State of Iowa? A. In my opinion and in my judgment I think this direct primary method is calculated to disorganize the very best elements of the control of the political party. I think there has got to be an organization; there always has been in all the parties; an organization, effectively used by right methods, is what we must look to, and it is a natural American privilege. And the primary system, as has been said, eliminates the man of ordinary means of opportunity to enter into the contest that naturally would be for a major position. Another thing, it had the effect, in my judgment, to disorganize completely the minority party. And further than that between the lines has an effect to break in and build up factions in the majority party for the destruction of all political and party organization. I think it is so in the State of Iowa to-day, with both parties; there never was very much of the Democratic party in the State, anyway; but that has been absolutely destroyed by this method, I think, as much as any other one thing. And to go a little farther, from what I have seen in contests that are carried on, organizations are made for major positions and to the extent of making these organizations and sending out postal cards from the headquarters of one camp or one faction to men of the opposite political parties, advising them to go out and participate in the primaries for the nomination of certain individuals, and saying it is nobody's business as to what party they belong to. Now, there are some things of that kind that are in existence and to be placed in the hands of your Commission, if you desire it; a postal card system of interviewing Democrats to participate in Republican primaries for the benefit of chosen candidates. It has a tendency to break down the regard of the people for an organization, breaks up the patriotic view they hold of their own organization and so is destructive of the confidence and the cohesion and the cohesiveness of political organization. I speak of cohesiveness in the best sense; there has never

been a State in the Union better managed than the State of Iowa, and there has never been a State in the Union that has been more abused than the State of Iowa. And I think the primary system is the one thing to-day to keep burning the embers of discontent and distrust, and while I am no pessimist, I regard the vote of the Republican party in Iowa as very doubtful because of its breaking up into factions and discord as the campaign arises. That is all the speech I had to make, I think.

Mr. JEWETT: I will simply state that I agree with Mr. Finkbine's statement and Mr. Foster's, too.

JAMES C. DAVIS:

By Judge KNAPP:

Q. Mr. Davis, you reside in Des Moines? A. Yes.

Q. Will you make a statement as the result of your observations? A. I reside in Des Moines. I am an attorney by profession. I have lived in Iowa all my life. Taken a more or less active part in politics. Never held nor never been a candidate for political office; never been a candidate for a political office of any importance. I have got some very pronounced ideas about the primary law and the effect of it from fairly careful personal observations. My objection to the primary law is that it entirely falls short of its alleged purpose in that it precludes every sort of independent and intelligent action by the individual voter. The last campaign or two, I have had occasion in traveling about the State at points where there were assemblies of Republican men while the campaign was going on, and just as a matter of curiosity I would ask the citizens present to state the names of the principal candidates for the leading State offices for which they were expected to vote and I do not believe it is an exaggeration to say that unless they had a candidate in their political locality, not one man in twenty could name the different candidates that they were expected to vote for or the qualifications, special or otherwise, which each of the conflicting candidates had for office. In other words, we have a campaign and everybody knows who is the candidate for Governor here, who the candidates are, because they are well advertised, and that is the issue; but you take Lieutenant-Governor and members of the Executive Council, and Judges of

the Supreme Court and Superintendent of Public Instruction, Attorney-General, and unless the candidate is from the particular locality where the man, where the voter lives, he cannot tell who he is voting for or why he is voting for any particular one. The result of it is that as the primary law was not recently amended it is entirely alphabetically, and a man whose name came first on the ballot is the man who received the largest number of votes. Now, an illustration, here is Polk county, in which the capital of the State is located, and at the general primary that is held for candidates for the State offices and district offices in the judicial districts, counties and townships, you get a great blanket ballot with 150 names on it or more, and it would be a matter of absolute impossibility for the local people here in Polk county to select with any sort of discrimination or individual judgment the various candidates. But my judgment, from pretty careful observation, has been that the purpose of the law is not accomplished in that a State-wide primary covers too large a territory for the individual voter to inform himself so that he can vote intelligently and make a special selection of a large number of candidates that come from all over the State. And, therefore, I believe that the convention — it might be that the convention selected who would select their delegates from the county primary which would much more nearly, in my judgment, represent the individual choice of the voters than to attempt to have the voters from a great territory like a State attempt to select the candidates for each individual office.

Q. If you had a population three times as great in Iowa that difficulty would be — A. That simply would multiply and increase the difficulties that I have suggested.

By Senator MEADE:

Q. What do you say, Mr. Davis, as to the possibility of a young man without funds entering a contest under this direct primary system for a State office? A. Well, a young man that is comparatively unknown must either spend a good deal of money in advertising to get his name before the people, or else he ends the campaign just as he commenced, without any public acquaintance at all. It is practically impossible for one man to create a general

State acquaintance in a single State campaign by an individual effort.

Q. Unless he has plenty of time and money. A. He must have plenty of time and money.

A VOICE: Or his name commences with "A." (Laughter.)

A. Well, that matter has been obviated to some extent because the Legislature has adopted an amendment that requires the rotation now; I don't know just what the statute is —

By Assemblyman PHILLIPS:

Q. That is a matter of luck, then? A. Largely.

Q. Is there the same opportunity under the direct primary system to obtain a well balanced ticket, as there is under the delegate and convention system? A. I think not. In a convention system, of course, as every one understands, there is an attempt generally to make some sort of a fair division over the entire State. In the primary law there is no opportunity for a concert of action. I did not hear what Mr. Finkbine said, but just as I came in he suggested the difficulty as between the city and the country population. It is a very great advantage, this primary system is, to the cities, and disadvantage to the agricultural district. In other words, as one of our politicians puts it, it makes it a cold day for the man in the country, this law.

By Assemblyman HOWARD:

Q. Mr. Davis, you have an ideal State in which to try this law; is there not, by reason of the fact that your percentage of illiteracy under the last census, your percentage of periodicals and books read is the greatest of any State in the Union? A. Well, in addition to that, there is another thing here that it seems to me makes this more ideal than almost any other State. We have no large center of population; the population of Iowa, as I recall it, is about 2,300,000, the largest city in the State is Des Moines; in the last census it had a population of only about 75,000. With the exception of some four or five cities that I could name of about 30,000, we have no large cities in the State, and the population is almost evenly divided, so that there is no single center of population that controls the other.

Q. It is largely agricultural, is it not? A. Yes; we are all farmers here in Iowa; that is our main occupation. If we do not farm ourselves, we live on them. (Laughter.)

By Senator MEADE:

Q. Mr. Davis, what would you say as to the practicability of the direct primary system in a city like New York, with a population of over four million of the very class of voters that there exists? A. Well, I have no intimate knowledge of the politics of the large city. I have lived in Iowa all my life, but I would say that the difficulties of getting any sort of intelligent consideration from a tremendous population such as you have in New York would make the law there absolutely — the direct primary absolutely impracticable; that is, if you expect the individual voter to exercise an independent intelligent judgment when he votes. I should think it would be absolutely impossible in a large city.

By Senator CONKLIN:

Q. There is one feature of it that we have not touched upon, as yet, and that is in the matter of the re-election of those who have held office. Do you think that under the direct primary system a man who had in the legislative body refused to obey the orders of, we will say, some wicked political boss that — we presume that there have been such things, and will be such things again — and would be turned down by that so-called boss for nomination, at the next election, would he stand a better chance under the primary system of gaining his party nomination than he would under the delegate system? A. I am not sure that I understand you. Is it that the primary law has a tendency to destroy the influence of what are termed bosses in politics?

Q. Well, of course, the allegation has been made many times and we presume with reason, that men in legislative bodies are directed to vote for or against certain measures by the party leaders who have given them their nomination? A. That he has enacted his part of those laws; that charge has been made.

Q. Well, now, supposing this man voted properly, or followed the dictates of his own conscience, the party leader whom he had refused to follow, in the next election sought to turn him down

for the nomination, would he stand a better chance under the direct primary system of securing the renomination, notwithstanding that opposition, than he would under the delegate system? A. In my judgment he would have just as good an opportunity to get out and make some individual fight, some special individual fight; in my judgment, he would stand a better chance under the primary law than he would under the old system. But that would be in exceptional cases, and only in exceptional cases.

By Assemblyman PHILLIPS:

Q. Do you think —

A VOICE: As a reform measure?

A. He would have to take some issue that would attract and direct public attention to himself. If he was able to do that why then he would get a better opportunity under the primary than he would under the old system, in my judgment.

A VOICE: He would have a chance to make a noise.

A. Yes, that would be the situation.

By Assemblyman CONKLIN:

Q. He could make a noise? A. Why, certainly, to attract more attention to himself.

By Assemblyman PHILLIPS:

Q. Do you think that the direct primary system has in any way curtailed the power of the so-called political boss? A. No, sir, I would say no. There is this: the direct primary, if you take an association — take, for instance, any secret society — cares to enter into politics, or suppose the railroads care to make some special effort for one or two men, or influence people, and they had formed a State-wide organization — any State-wide organization, it seems to me, can make its influence felt easier under the primaries than it could under the convention system for the reason that in the minor office there is absolutely no apathy on the part of the people and if a quiet concerted effort is made all over the State for some particular proposition, why there is no one to oppose it, and in that way it would seem to me that especial interest, if they took

it up properly, could gain a greater influence under the primary than they could gain under the old convention system.

By Judge KNAPP:

Q. Is there such a thing as a man gaining a nomination through sympathy, perhaps, who may have lost his arms or eyes, or who may have some bodily ailment, without reference to his peculiar qualifications for office? A. I couldn't say as to that; we have only had the primary for one year here.

A VOICE: No, we have held primaries, though.

The WITNESS: I imagine that now to call personal public attention to anything that would throw any kind of notoriety from sympathy or from any other cause, would have an advantage, independent of his merits for the office.

By Assemblyman HOWARD:

Q. Have you known of any instances where candidates who were not of any particular strength were able to secure signers enough to place them on the list as candidates for the purpose of being induced to get out of the way? A. I don't recall any instances of that kind.

J. L. POWELL:

By Assemblyman PHILLIPS:

Q. From your observation of the law what good results have been accomplished under it, if any. Just state whether it is better than the old delegate system? A. In my opinion a State-wide primary is not a feasible thing. It results in the first place, naturally in the splitting up of the prevailing party in the State into two factions who have their vote in the primary; and instead of the fight being, for instance, between the Republican party and the Democratic party, the fight is between the two factions in the dominant party. Now that necessarily results in this: that you cannot have one faction, cannot have more than one candidate for any one office, and have any show of nominating him, because if there are two candidates of that one faction, necessarily their forces are divided between those two candidates and they are defeated. That is one of the recognized elements in the operation

of the primary law. I say as the result of that each faction has a candidate for this office so that he gets the Governor, for instance, and he is elected. Now if three or four or half a dozen fellows who are — who control, and who are the leaders of that particular faction, and he is presented by those leaders to the voters of that faction for selection, rather than the voters select their own candidate, so the result of that primary law is that your candidates are not selected by the voters generally, but they are selected by the little band of men who control the particular faction. That is the experience that we have had in this State. And it necessarily results in that. The result is, of course, that from a purely party standpoint that the predominant party is torn up in factions when they have difficulties, and the result is bound to be that the predominant party is likely to get defeated, so that from a party standpoint I have always been opposed to it. But, as Mr. Davis said, and as some others remarked, it results under the law as we have heretofore had it, it results in the selection of the man who happens to have — whose name happens to begin with “A” instead of the man who is really competent to fill the position. We have had numerous instances, or several instances in this State where men were nominated because their names were first on the ballot. I am opposed to a primary law of any kind. However, there are a great many conditions of a primary law, a State-wide primary law, that don't apply to a local county primary.

By Assemblyman PHILLIPS:

Q. Does it in any way curtail the power of the so-called party boss? A. No, it does not. I think it has increased his power, rather than curtailed it. Because I know that a few fellows had absolute control of the convention or the selection of the candidates for the faction of a party in this State. For instance, I will give you just one illustration, which applies here in this city to Congressmen and there is a faction in this district which, to which Capt. Howell, who is a member of Congress in this district, rather lines up with. Now the faction that was — the question was up to the men who opposed him of who they were going to run for Congress against Captain Howell in the primary. Now, there were two candidates, both of whom I know very well, one of whom I

was associated with in business for something like fifteen years. In order to determine who was to run as opposed to Captain Howell, a little crowd of leading men from this district came in at the call of the leader of that faction in this city and they determined that one of those two men was to run for Congress. The other fellow was absolutely told that he couldn't run for Congress; he couldn't run, that is all there was to it; he didn't have any show, and he didn't run. So that is one of the things now that makes me say that your candidates now are selected, instead of by the voters, as it is proposed in this law, are selected by a few fellows who happen to control the particular faction.

(Recess.)

AFTERNOON SESSION.

W. C. HAYWARD:

By Judge KNAPP:

Q. Are you a resident of Des Moines? A. No, sir; Davenport.

Q. And you are the present Secretary of State? A. Yes, sir.

Q. How long have you held that office? A. About two years and a half.

Q. You are serving your second term, now? A. The second term; yes.

Q. You were nominated under the old system, prior to the adoption of the present primary law? A. Yes; the first nomination was under the old system.

Q. There was no State-wide direct nominations feature prior to the adoption of this law, was there, in this State? A. No.

Q. But there was a direct nomination plan in some of the counties? A. Yes; quite a good many of the counties had a primary plan that they followed.

Q. That was purely voluntary on the part of the parties, was it? A. Yes.

Q. Under party rule and organization? A. I never lived in a county where they had that — adopted the primary plan.

Q. In your county they had the delegate and convention system? A. Yes.

Q. At the time of the adoption of this primary law in 1907 was there any special dissatisfaction in your county, so far as the old system was concerned, or agitation for a uniform primary law? A. If you will permit me to state, I was a member of the Senate from my county and voted against the primary law which was before the people, largely for the reason that in my county we got along very nicely under the old plan and saw no real need for a change. But we had a notable contest between two candidates for Governor in the party, called the Cummins-Perkins campaign, and the conduct of the caucuses was such in that campaign that there was a change in public sentiment, and the people in my county — we were largely, almost unanimously, in favor of a change at the primaries.

Q. That was one particular campaign? A. That particular campaign worked the revulsion of sentiment in my community more than anything else.

Q. Now, have you records showing the vote at the primaries in June, 1908? A. Yes, sir.

Q. Under the primary law — and in what form is that record? A. It is contained in these red books here (indicating). And I have a little synopsis that perhaps will answer your purpose, that I have taken off, giving the primary vote in June; this is in 1908; and the vote at the general election for the same officers.

Q. In the different counties? A. No; well, it is in this book in different counties; but it is a summary here, in the State.

Q. Can you give us the page on which it is found in this book? We will have that regarded as a part of our record. A. Well, on page 481 there is a recapitulation of semi-official election returns by precincts. And I will, with reference to these semi-official returns — they are as apt to be correct as the official returns, because they are returns we get directly from the auditors of every county and are by townships and are carefully footed and gone over and perhaps mistakes eliminated; where they are not in the reports that are made to the canvassing board; so that that is substantially correct. On that page is a recapitulation of the vote at the general election, not the primary.

Q. That page and the following pages? A. Page 481 is a

recapitulation; the vote by townships precedes that. I can tell where it begins here (referring to book). It begins around here and follows in here alphabetically (indicating). The election of November 3 by precincts—that begins on page 393. That, remember, is the November election. Now, the official canvass of votes cast at the primary election held in June and also the vote for United States Senator in November begins on page 598 and is by counties, not by townships.

Q. And you have prepared a summary of this vote, have you?

A. I have a statement like this, for example (producing statement). In the primary we had three Republican candidates for Governor. The total vote cast for the three candidates was 181,863; and the total vote received in the general election in November following for all the candidates for Governor was 257,109. Now, if you care for that, you see it runs through some of the other State officers, also. And the total vote for President is also given and then the vote for the Democratic candidates is also given the same way.

Judge KNAPP: Now I ask to file a statement given by the Secretary. (Statement marked Exhibit No. 2.)

EXHIBIT NO. 2. — Des Moines, Ia.

COMPARISON BETWEEN VOTE CAST AT PRIMARY ELECTION, JUNE, 1908, AND GENERAL ELECTION, NOVEMBER, 1908.

CANDIDATE.	Primary.	General Election.
Republican — Governor.....	88,834	
	63,737	
	29,292	
	<hr/>	
	181,863	257,109
Republican — Secretary of State.....	162,652	260,332
Republican — Auditor	99,530	
	68,511	
	<hr/>	
	168,041	256,449
Republican — Treasurer	161,966	259,609
Republican — Attorney-General	159,152	258,734
	<hr/>	
For William H. Taft for President.....		275,343
		<hr/>

For United States Senator.

CANDIDATE.	June Primary.	November Primary.
Allison	105,891	.
Cummins	95,256	
	<hr/> 201,147	.....
	<hr/> <hr/>	
Cummins	138,840	
Lacey	96,193	
	<hr/> 235,033	
	<hr/> <hr/>	
CANDIDATE.	Primary.	General. Election.
Democrat — Governor	50,065	197,015
Democrat — Secretary of State	47,876	187,915
Democrat — Auditor	47,520	190,998
Democrat — Treasurer	47,826	187,399
Democrat — Attorney-General	47,510	188,059
United States Senator	49,208	.....
	<hr/> <hr/>	<hr/> <hr/>
For William J. Bryan for President		200,947
		<hr/> <hr/>

Judge KNAPP: I ask you to have the pages of the Official Register of Iowa, referred to, regarded as part of the record without copying in, the pages referred to by the secretary containing the official vote at the election and the official vote at the primary by precincts and counties as has been stated.

Q. Have you also a statement showing the expense of conducting the primary? A. Not now.

Q. By whom is that expense borne? A. Under the law, at the last primary the expense was divided between the counties and the State. The bills were audited in the counties by the boards of supervisors and then the total amount certified by the Executive Council of the State, and under the law of the State they issued warrants for the payment of one-half of the expense and the county paid the other. Now the law is changed and the counties pay the entire expense.

Q. Can we obtain the figures showing the expense paid for the

primaries of June, 1908? A. I think the Secretary of the Executive Council has the figures in his office here in the building. He would have, probably, the total cost, because the whole cost is certified by him and he would know.

Q. Have you also here sample ballots that were used at the primary? A. Well, here is one, I believe, that is used in one county, that I happen to have; there are others. These notices were sent by the Secretary of State to the counties. Here is a notice that goes to the county officers, giving a list of candidates for the primary. That is, a list of those that have filed their nomination papers with the Secretary of State. This is the notice and then here is another notice that goes to the Auditors also. (producing papers.)

Q. All of these notices and sample ballots, etc., are printed at the public expense and were under the law as it was, one-half charged to the State ultimately and one-half to the locality of the county? A. Yes, that is, the ballots in the counties were printed there; the State did not print those. The State printed these notices that were sent out from here.

Q. Have you any means of knowing about what proportion of the expense of conducting the primaries went to the printers? A. I would say, without being able to quote the figures, that the largest part of the expense was paid to the newspapers.

Q. So that, the newspapers actually received quite a considerable emolument from the operation of this system at public expense? A. Considerable, yes. They published these notices, printed, of the primary, and, of course, not in all cases, but a great many, printed the ballots.

Q. Well, do they also receive fees for advertising the qualifications of particular candidates in a hot contest; is that practiced in this State? A. Why, to no great extent. I suppose candidates put many paid notices in the newspapers, do some advertising.

Q. You haven't observed their purchasing space and using the columns of newspapers to exploit their peculiar fitness for office, etc.? A. Oh, it has always been done more or less.

By Assemblyman PHILLIPS:

Q. I might ask Mr. Secretary — I observed that at that primary

held in November there was a larger number of votes cast for the two Republican candidates for United States Senator than there was cast for Taft at the same election. I am speaking now of the November primary. A. Well, that is a mistake (referring to book).

Q. In the county of Polk? A. Oh.

Q. This county? A. The total cast for Mr. Allison — no, that was in June — the total cast for the candidates for the United States Senate, the Republican candidates, in November, was 235,033 in the State, while Taft received 275,343.

Q. But you have not the figures for the county of Polk there, have you? A. Yes; that might be true of Polk. I couldn't say.

Q. Well, I observed an instance of that kind in some statement that I saw. I simply wanted to get from you how that was accounted for; whether or not Democrats did not vote — of course, that primary having been held on the same day as the general election, how do you account for that, the discrepancy, unless it is due to the fact that Democrats or voters who voted the Democratic ticket took part in the primaries for the nomination of United States Senator? A. Probably some one living here in Polk county would be better able to explain that than I.

By Senator MEADE:

Q. What is this paper I show you, Mr. Secretary (showing him a paper)? A. This is simply the ballot for the Republican primary election in Fairview township, Keith county. (Ballot marked Exhibit No. 3.)

Q. Have you any way of telling the number of votes cast for each of these candidates on this ticket? A. Yes.

Q. Is it contained in that record that you have by you there (indicating)? A. Yes, it is somewhere in this book (indicating).

Q. Would it be too much trouble for somebody in your office to mark in those squares the vote of each? A. At the primary?

Q. Yes. A. No, that would not be difficult at all.

Q. Will you have that done for us? A. I can.

Q. All right. A. I, of course — you will bear in mind what you want so as to make it out, only one township; only one county. I

will write here "refer from record for vote from each county on ballot" and mail to you.

By Assemblyman PHILLIPS:

Q. Referring you again to that discrepancy, I observe that at the November primary, the nomination of the two candidates for the nomination for United States Senator, the Republican received 15,157 votes and Taft received 12,555 votes, making a discrepancy of 2,602 votes. A. That was in Polk county?

Q. In Polk county. A. I have not observed.

Q. Now, evidently the members of other parties must have participated in the election for Republican United States Senator?

Senator MEADE: Or that some faction which voted for the Democratic candidate for President must have voted for somebody in the Republican primary?

Assemblyman PHILLIPS: Yes.

By Senator MEADE:

Q. I will show you another paper, Mr. Hayward, and ask you what that is (showing him paper)? A. This is a notice sent by the Secretary of State to the Auditor of each county advising him of the nomination papers that have been filed in the Secretary of State's office.

Q. What are the blank spaces for at the bottom of each column (indicating)? A. Those are for nominations made in the county. Well, I guess, though, these blank spaces (indicating) were practically filled up; these were printed so that they could all be printed alike. That is, a copy of these would go to every county, except that for nominations where they were blank, why they would have to be filled up differently for different counties.

Q. To fit the local conditions? A. Yes, locally, by districts; for members of Congress and State Senator and for Representative and Presidential electors.

(Paper marked Exhibit No. 4.)

Q. I show you another paper and ask you what that is (showing him a paper)? A. This is a notice by the Secretary of State to the auditor of each county advising them of the parties who have

been nominated at the primary and are to be voted for by the electors at the general election in November.

Q. Did you have anything of that kind before the primary law went into effect? A. Yes.

Q. Substantially the same? A. Substantially the same. (Paper marked Exhibit No. 5.)

Q. These are all the same. I show you a little pamphlet, Mr. Hayward, and ask you what that is (indicating)? A. Copy of the Primary Election Law of this State prior to its amendment in the last General Assembly. (Pamphlet marked Exhibit No. 6.)

Q. Have you a copy of the new Election Law? A. The amendments to the law are contained in the session laws.

Q. Have you it in pamphlet form? A. I am having it printed now, a compilation of the Primary Law, and received it from the printer this morning, but haven't had time to read it.

Q. How soon do you think that will be finished? A. Oh, that won't be finished quite as early as some of the other work in his hands; probably it will be two or three weeks, maybe a month, before we get that for distribution.

Q. Will you send to the Committee a copy when you get it finished, please? A. I will; yes.

By Assemblyman PHILLIPS:

Q. Does the Secretary care to express any opinion as to the operation of the present primary law in the State of Iowa, and as a result of that observation you can tell what improvement it is over the convention and delegate system or what better results have been obtained under it; whether it has curtailed the power of the so-called boss, resulting in the selection of a better class of officials? A. We have held in this State only one State-wide primary election, except the election for United States Senators, but including all it was only one. And it seems to me that we have not had enough experience under it to determine altogether its full benefits or many of its disadvantages. There is one thing that was developed at the last primary, and that was that the law was defective in one respect, which has since been remedied. It was referred to by Mr. Young, who incidentally said that I could

tell about that better than he. And that was that fact that where there were several candidates for one office the man whose name appeared first upon the ballot had an advantage. People go into the polls — to the booth at the polls — to vote, knowing but little about the several candidates for the same office, quite naturally, and vote for the first man on the ticket. I know that from my own experience in voting for minor offices. For instance, I voted for a candidate for constable; there were three candidates in my ward; I was not much acquainted with either one of them and I voted for the first name on the ticket, just as I expect others did. Now, the General Assembly has amended the law so that I think it is very much improved. Under the present law as amended the Secretary of State, before certifying out the nominations, will make up a list of the counties of the State in the order of their largest vote — largest vote at the previous election; for instance, if Polk county cast more Republican votes than any county of the State, that would be Number 1, and the next one, the next largest, Number 2, and so on down the list and make up a similar list for the other parties. Then he will, if there are several names or the names of several candidates for the same office, the names will be certified to this county, Number 1, in alphabetical order. Then to county Number 2, the name that goes to the head of the list on Number 1 will be placed at the foot, and the second name will be first. Then in Number 3, if there should be three candidates here, the one at the head in Number 2 goes to the foot and the third one goes to the top in the third county. And so we proceed on down the line, reversing in every county. That is, for State-wide candidates; and a somewhat similar arrangement, as is the case of the county auditor, as to county candidates, by townships.

By Senator MEADE:

Q. Do you think, Mr. Secretary, that that helps the voter to express intelligently his choice, or simply — A. Well, on the county the ballots will all be alike so far as the State candidates are concerned, that are voted for in that county. And they will understand by the sample ballots prior to the election, they will see where Mr. Smith's name is on the ticket and where Jones's

name is on the ticket. They can study that out if they choose, prior to the election. They have learned something about those candidates and they will remember that the man — perhaps, let us say, that he wanted to vote for, if the first man on the ticket; and the second name on the ticket for that office in another county; why, they will study their own county ticket; that is, the sample ballot, that under the law is printed in the newspaper and is furnished at the polls, posted at the polls. So that they became posted in those respects. They do not have to study the ballots of the other counties.

By Judge KNAPP:

Q. It doesn't make any difference in the matter of making an intelligent discrimination whether this change is made in different counties or not, does it; that is, if a man is inclined to vote the first name? A. No, I don't know that it does.

Q. So that he is just as apt to vote the first name whether it appears one way or another? A. Yes, it simply gives the candidates as nearly as possible an equal show with the voters that do not discriminate.

Q. Yes, that is the idea. The same right to participate in the accidents as the fellow whose name begins with "A"? A. Yes.

Q. Now, that is a recognition, is it not, of the fact that quite a percentage of the voters do not actually discriminate between the candidates? A. I think it is.

By Assemblyman PHILLIPS:

Q. Well, Judge, the Secretary was sort of giving his views of this present law; and he mentioned this defect, and then gave this amendment. Now, if you will proceed, if you have got anything else to say upon the results? A. I don't know that I have, with reference to the law; that is the principal and most important change that has been made in the law. There have been a number of other changes.

Q. And having tried it only once in this State you think no such test has been made so as to determine whether or not it procures or obtains a better class of candidates than the convention and delegate system? A. Well, I don't think that there has been

a sufficient test; no, I would hardly think so. I think, of course, barring present company, that they have made very excellent selections. (Laughter.)

Q. Well, you mean under the delegate and convention system?

A. Under the primary we, of course, have been selected.

By Assemblyman PHILLIPS:

Q. Well, you were chosen under both systems? A. No. Well, my first nomination was under the delegate system of nominations; and the second under the primary.

By Judge KNAPP:

Q. Well, did you have contestants for the second one? A. No, sir; no contest. (Laughter.)

Q. It made no difference to you one way or the other? A. No.

By Senator MEADE:

Q. Anything further? A. I don't think of anything.

Q. What do you think about the question of expense to the candidate; whether it has increased it or decreased it?

Assemblyman PHILLIPS: Where there is a contest?

Senator MEADE: Yes, surely.

The WITNESS: I have had no personal experience in that respect. My expenses were much larger when I was first nominated under the old system than it was under the primary for the reason that under the primary I did not spend any money at all really.

By Judge KNAPP:

Q. You had no contest? Was there a contest under the other?

A. There was; there were three candidates.

Q. You fought it out? A. Fought it out.

Q. In caucus and convention? A. Yes.

Q. And had a majority, I suppose, of the delegates, ultimately, for your nomination, and secured your nomination by a majority of the delegates at the convention, State convention? A. Oh, yes, yes.

Senator MEADE: If that is all, Judge.

Judge KNAPP: Excuse me — I would simply refer to this.

The WITNESS: The candidates have all filed their expense accounts in my office.

By Judge KNAPP:

Q. That is, their expense accounts in the primaries? A. Yes, sir.

Q. Well, can we have a copy of that statement? A. Never made up.

Q. Well, is there much to it to make it up? A. Oh, the statements are filed here in the vault, and we never made up a compilation of their statements. It is not required to be published or anything done with them; simply filed in my office and then filed away. I never looked at a very large number of them. I know personally of some men who filed statements of their expenses. One man filed a statement, a State officer, stating that his expenses were \$2.00.

Q. Case of no contest? A. No contest at all. And in the case of the candidates for Congress in some of the districts they ran up to a number of thousands of dollars.

By Senator MEADE:

Q. What would be the salaries of these officers? A. Seven thousand five hundred dollars a year, members of Congress.

By Judge KNAPP:

Q. When you say a number of thousands? A. I wouldn't want to state figures because I might be mistaken. I would rather look at the records and see, if it is essential.

Q. Simply in case of the contests. We would not care for any statements where there are not contests, of course. Simply in case of contests like Governor and United States senator and Congressman and State Senator, for instance? A. Well, I will tell you what would be the easiest way; now, if you will have a memorandum made up of what you would like and let me have that statement and where to send it, I will have those made up.

Q. I will make it up now. A. There might be — I mentioned that because there might be some other things. I guess this report here was all, perhaps (indicating).

Senator MEADE: We thank you very much.

A. U. SWAN, Assistant Secretary of the Executive Council.

By Assemblyman PHILLIPS:

Q. You have the expense of the primary election of the June, 1908, primary?

Judge KNAPP: I would like to get the expense by counties, if it is possible.

The WITNESS: You can get it by counties (indicating book). This last is by counties. This is just what he paid. That is, he paid half of it.

Q. Well, they had to audit the claims? A. We cut that out. In fact, under the law, they had no right to audit the claim at all.

By Judge KNAPP:

Q. You have the statement here of the expense of conducting the primaries under the act of 1907? A. Yes, sir (indicating).

Q. In this State? A. Yes, sir.

Q. By counties? A. Yes, sir.

Q. That total shows the proportion of that expense paid by the State, does it? A. We paid one-half of it; the law requires that the State pay one-half of it.

Q. Do I understand you to say that the counties audited the claims? A. Yes, sir.

Q. In many instances for more than the State Auditor allowed? A. They attempted to audit them for more; of course, their auditing was not of any validity.

Q. That is, it was not of any validity as far as the State was concerned but so far as the county is concerned they might have paid them? A. Well, they could, of course; the board of supervisors might have paid them —

Q. Could you furnish us — A. There was a number of cases, however, where the amount claimed was not the legal rate, and in such cases they were paid the legal rates.

Q. Can you furnish us with statement, by counties, of that expense? A. I would just have to draw it off this book, that is all (indicating).

Q. Have you any general knowledge as to what proportion of that expense was for printing? A. Practically all of it.

Q. Doesn't that include the expense of the election officers? A. Yes, that includes the election officers, but then 75 per cent. of it, I suppose, is for printing. I presume so.

Q. What was the total expense for the entire State? A. \$82,000 is what the State paid.

Q. And the counties the same? A. Yes, sir.

Q. Making \$164,000. A. That is the presumption.

Q. For conducting one primary? A. Yes, sir.

Q. In ninety-nine counties? A. In ninety-nine counties; yes, sir.

Q. You have not included in there the expense of the primary of November, 1908, for United States Senator? A. No, sir; they paid no part of that expense.

By Assemblyman PHILLIPS:

Q. What was the total expense that the State paid? A. \$82,000. You asked about the November primary; that was a special case. There was no provision for the State paying any proportion of the expense.

Q. Now let me ask you another question: At the primary election, do the officers at that primary receive pay the same as each inspector of election? A. Yes, sir.

Q. And the expense includes that item? A. Yes, sir.

Q. And what were they paid, election officers at the primaries? A. I think they get two dollars a day, and they get paid for two days, that makes four dollars.

Q. Practically the same as inspectors of election? A. Yes, sir. We call them judges here.

Q. How many do you have for each election district? A. They have two clerks and three judges, making five of them.

Q. That is the same number you have at the election? A. There are certain officers there, officers of the election; one member of the board of trustees and the township clerk are also members of the board of election.

Q. They also receive pay? A. Yes, sir.

Q. So there are really seven men that you pay? A. No; these are two of the five that constitute the board.

By Judge KNAPP:

Q. How many precincts or election districts in the State?
A. 2,250, approximately.

Q. It amounts to practically twenty dollars to each precinct, so far as the election officers are concerned? A. Yes.

Q. Twenty dollars for each precinct; that would make \$45,000 is paid to the election officers? A. More than that.

Q. \$45,000 is paid to the election officers? A. That is about one-fourth; that is about 25 per cent. of the total expense.

Q. About \$117,000.

Q. Well, \$164,000 is the correct expense.

Q. It practically amounts to \$120,000? A. Yes, sir.

Q. That is paid to the printers? A. Practically that. I would say that would be my idea of it.

By Assemblyman PHILLIPS:

Q. Are your election expenses at the general election borne in the same proportion? A. Oh, no, that State pays no portion of the general expenses.

Q. The county pays all of that? A. Yes, sir. It really made no difference before.

By Judge KNAPP:

Q. Now the law is so changed that the counties pay the primary election expenses? A. Yes, that is the way I understand it, the last amendment.

Q. Thank you, Mr. Swan, if you will give us that total? A. I will have one of the girls copy this off right away.

W. L. EATON.

By Judge KNAPP:

Q. Your residence is Des Moines? A. My residence I call Osage, Iowa.

Q. In what county? A. Mitchell county.

Q. Are you an official of the State? A. Railroad Commissioner.

Q. That is an elective office in this State, is it? A. Yes, sir.

Q. How many railroad commissioners? A. Three.

Q. And when were you nominated and elected? A. Three years ago.

Q. And your term of office is — A. One year only.

Q. So that you have been renominated and re-elected? A. No; my term of office is four years. I have another year to serve. I was elected under the convention system.

Q. Now, Commissioner, we have spoken in general terms of this Iowa primary law. Will you state to the committee, please, what benefits generally or specifically have been obtained by the State and its people in the operation of this law and its enactment, if any? Also what defects have been apparent in the introduction of a system of this kind in making nominations. Calling for your general statement, and then I shall ask you some specific questions? A. Well, there are, without doubt, benefits in the primary law. But there are also inherent defects in my judgment in the whole theory of the primary law. I do not know that I could be of any service to you if I were to undertake to balance the benefits with the disadvantages. It would be merely a matter of judgment and perhaps would not aid you at all.

By Senator MEADE:

Q. We would like to have your opinion of both, Mr. Eaton, judging from personal observation and experience? A. Well, I belong to what might fairly be termed a faction in Iowa which is very much in favor of a primary law. I have never been in favor of a primary law. My mental attitude now is one rather of toleration and consent on account of circumstances which have arisen, rather than enthusiasm about it. I live in a county that is entirely rural. We have no cities in it. We have never had any difficulties or any abuses of the convention system in my county. It has always worked well. I have been sort of dabbling in politics a little for quite a number of years, as a member of the Legislature and speaker of the House; and have observed the workings of both the convention system and the primary system to quite a considerable extent. I believe there is an inherent defect in the entire primary system and I dislike to even say this

in public, because, as I say, on account of circumstances, I have been compelled to bring my mind to assent to it and consent to it rather than any other way. That inherent defect was exhibited in the most marked instance at our own primary. Every State officer who had any contest, whose name appeared first on our ballot, was elected.

Q. Was nominated, you mean? A. Was nominated, which, of course, is equivalent to an election in this State. They are all elegant gentlemen and all fitted, of course, for the positions they occupy, but it was without any regard to acquaintance or fitness or experience or anything of that kind. The inherent defect, I believe, in any primary law, is that it is based upon a erroneous supposition; that is, that the people are informed. They are not. There isn't any use criticising them; you have got to take them just as they are. They do not know the men who are candidates for State offices. This does not apply to a county primary. Where the conditions are such as to require it, I believe the county primary to be a very wise thing. There the people are acquainted. They know their candidates; they discuss; they talk about them in the stores and everybody knows who the candidates are; they vote intelligently. When you come to State officers the real truth is they make no effort to become informed on that subject. Now, that is an inherent defect. We have attempted to correct it. The only possible correction that I know that can be made is to neutralize it; that is, to give one man just as much benefit in one county as his competitor receives in another county. That don't cure the inherent defect. It simply neutralizes it or rather it attempts to neutralize it; it may or it may not, you can't say about that. I am sure that the primary law has been a very great benefit in cities of a certain class. That is, from my own observation.

Q. In this State, you mean? A. In this State. I — of course, we all know the methods of politics, and they have been very greatly improved in cities. I see no necessity for the primary law in what might be termed a rural community or a county that has no large cities in it. Our people believe, in the county, in the primary law, because we had an object lesson at our gubernatorial election that has been spoken of by the secretary. The conditions

were such as to almost compel something of this character; but the compulsion only related to cities; it did not relate to a county like mine or to three-quarters of the counties of this State. Our county and our people were willing to adopt the primary because it seemed to be necessary in cities not in our county. I don't know that I can be of any service to you. I am simply giving you my own ideas about the primary.

Q. That is just what we want to know.

By Senator MEADE:

Q. Go right along; we want to get just everything that you can tell us. A. You speak of the expense. The primary law is expensive; the figures that have been given show that it is expensive. I doubt whether any conclusion can be drawn from any figures that have been given or any which I could give you which would be worth while as to the difference between the primary and the convention system so far as the candidates were concerned, because it is not fair to generalize from any particular instance; it is not fair because the secretary here, who had no opposition, did not pay out anything, that some other man who did have opposition did pay. I don't think that is fair. And it is not fair to say because in the convention contest that in a red hot campaign some man paid out three or four times his salary to be elected, it is not fair to generalize from that. I doubt very much whether it has made any difference in itself in the cost to the candidate. The candidate will pay out all the money that is necessary to get elected, if he starts. That is the truth about it. But it has been expensive to the county. My own observation is that it has added to the expense of the county, perhaps expense to the candidates where there has been a contest. I know nothing about a contest; I never had any myself.

By Judge KNAPP:

Q. You spoke, Mr. Eaton, about a county primary being a good thing in some instances. Do you refer to the counties which contain cities or simply rural counties? A. No, I refer particularly to counties that contain cities. I believe that it would be very desirable if a law of that kind could be framed.

Q. Do you believe in it in counties containing cities of 50,000 or 100,000 or 200,000 and upwards of people; do you think it is possible for the people in general to know the candidates?

A. Well, I think they would be more likely to.

Q. That is if there was a contest and they were advertised through the papers and made a personal fight, why they might get, perhaps, acquainted? A. Well, there is just this, Mr. Knapp, in a city, for instance, like Des Moines; you have spoken of the city of Des Moines in Polk county. A contest means speechmaking in every schoolhouse, in every store and the warmest kind of a campaign. Now in these campaigns of that character people become informed. This is a very strong Republican State. In the county in which I live frequently there has been no Democratic ticket put up at all. Well, now you can readily imagine that my people have interest in the Governor, the United States Senator and their county members. That is the only interest they take. They are satisfied the State is run well and say, "Well, it is all right, so we won't trouble ourselves with it." But I am satisfied in the contest in the city the opportunities for information and informing the people are very much greater than they are in a rural county.

Q. That would be as to those participants who are making the fight, the leaders of the ticket, the head of the ticket, and so forth?

A. Yes; of course, the necessity of the primary relates to the head of the ticket always. That is what creates the necessity for the primary, while it does not for the convention, but that is where the fight always is.

By Assemblyman PHILLIPS:

Q. You being familiar with the conditions in a distinctly rural county, what would you say as to the operation of the direct primary law in a rural county which, we will say, is located in a Senatorial district or in a Congressional district where there were large centers of population? Do you think that the rural communities would have the same opportunity to have representatives of their particular community in such a district as under the convention system or would the large centers of population always control the nomination? A. Well, without doubt they would have

the opportunity; whether they would embrace it by becoming intelligently informed, I could not say as to that.

Q. Well, what I have in mind was this: Suppose you had a senatorial district, we will say, where you have twenty-nine rural towns with no large center of population and small villages and in that same senatorial district you had a city of 10,000 or 20,000. Don't you think that that large center of population would almost control the nomination? A. There isn't any doubt about it.

Q. For this reason, as you say — of course, if you could get out — it is so difficult — I assume that you have the same difficulty here in Iowa that we do in New York; it is so difficult to get the farmer out; it is difficult to get him out to the polls on a general election. When you had a primary contest, unless there was some great issue or issues up, he wouldn't come out at all; while in the city, where some man is a candidate from that city, it would be so easy for him to run — for these to run into the primary and in that way get a large vote? A. I don't think there is any doubt about that proposition.

Q. To the detriment of the country district? A. I don't think there is any doubt about it; I am speaking practically; that is my opinion.

By Senator MEADE:

Q. That is what we want, is the actual good judgment. A. You can apply the same principle clear down. Now, I will take a county seat of 3,000 people; without any doubt our county seat dominates our county, politically and otherwise. Our farmers are rich; they are prosperous; they are contented; they are satisfied; we have to send carriages to get them out; we haven't anything to bring them out. We have no Democratic campaign that stirs them up. As I say, there has been year after year that we haven't even had a Democratic ticket and it is utterly impossible to get our party vote out.

By Assemblyman PHILLIPS:

Q. And yet, under the convention system, Mr. Eaton, the convention composed of delegates and representative men in each

town and county, very often a convention in planning out the county ticket would see to it that that ticket was equally distributed through all sections of the county, would they not? A. Judging from my county, it would.

By Senator MEADE:

Q. Mr. Eaton, have you a specific instance of this condition on the ballot being controlling, as to nominations? A. I have given you a specific instance; I have said that every man that was elected or nominated this year at the primary appeared at the head.

Q. I see. A. Couldn't make it any more specific.

Q. I had forgotten that statement.

By Assemblyman HOWARD:

Q. Mr. Eaton, is there any opportunity for a State-wide nomination to balance up the State ticket geographically, under the direct nomination system? A. I don't think there is, I will have to say frankly. I will tell you, gentlemen, what I would do if I were drafting a primary law; it would not be such a law as would ever be passed by any Legislature in the world. I would require a primary law where counties and cities of, I will say, at present, 10,000 in number, I might say 20,000, but I will say, for the present, 10,000 and upwards. I would make it optional in other counties. I believe in letting the people decide for themselves what they want. The conditions may be such that some counties might prefer it. I could give instances of that character where, before we had this State-wide primary, counties have preferred the primary system and it had worked admirably; and they ought to have that privilege, in my judgment.

By Senator MEADE:

Q. Let the members of the party vote on that proposition? A. Let the members of the party determine that question. Of course, I would have a rigid law which would prevent Democrats from voting in Republican caucuses and Republicans from voting in Democratic caucuses. I would have delegates to the State convention elected to this primary or by this convention system as the

county should determine, although I would make it absolute in counties where there were cities, absolute. I would — this would be utterly impossible — I would, where they use the primary system, I would have them vote for the head of the ticket and I would also have them express themselves on the United States senatorship. More than that, in my opinion, they do not do intelligently. That is my judgment about it.

Q. Mr. Eaton, would you have that law that you suggest apply compulsorily to a county containing a large city and ten or twenty towns in combination? A. I would, wherever there is a large city I would require it. And I base that upon observation in our own city. And particularly observation of circumstances and instances which occurred at our last gubernatorial election, two years ago. The secretary lives in Davenport, Scott county, a large city for us, it would not be for you, 40,000 people; the circumstances and conditions were such in Davenport at that caucus that I would prevent them absolutely, by law, from ever permitting a thing of that kind to occur again. Waterloo, another town of 15,000 or 20,000 people, was in the same condition exactly. Polk county, especially the city of Des Moines, knowing what I do about it, having been present at a great many of their caucuses, I never would permit them by law to have another caucus. I would require them to have a primary. That is my judgment about it.

By Assemblyman HOWARD:

Q. Those conditions which you observed which existed at that time were under a caucus held without any legal restriction? A. Well, you might say that. We have had a law on our statute books covering the holding of conventions for quite a number of years. It was a very weak law, but it was the only law that could be passed at the time that it was passed; and you can fairly say that there were no restrictions. We attempted to restrict, but it was impossible to enforce it.

By Senator MEADE:

Q. Suppose, Mr. Eaton, you threw the same restrictions around the primary and the caucus that you do around the election;

would that effect your judgment? A. Yes; I'm pretty sure restrictions can be thrown around the convention system that would obviate a great many of the troubles that have arisen and are likely to arise. There is no reason why a law cannot be passed governing the convention system just as strict and just as stringent as it can over the primary system.

Q. Well, would you mind, if you can think of them readily, giving the Committee such suggestions as you think would restrict them? A. I don't know — of course, I couldn't now —

By Judge KNAPP:

Q. You mean in voting for delegates, I suppose, for delegates at the primary instead of for candidates? A. It is the main restriction in the caucus; is absolutely to prevent Democrats from voting in the Republican caucus and Republicans from voting in the Democratic caucus.

By Senator MEADE:

Q. With that restriction do you think that the convention system might be made as desirable as the direct system? A. It could be improved. There are some advantages about the primary system that, in my judgment, could never be gained by the convention system. But, on the other hand, there are a good many disadvantages.

By Assemblyman PHILLIPS:

Q. Well, of course, this thing is true, no matter what your system is, whether it is the convention system or the direct primary system; no matter how rigidly you may safeguard it, unless the citizens themselves interest themselves in the primary election, why, you cannot obtain very good results; that is, those who are particularly active will control them, no matter what the system is? A. That is true, the primary system is good for emergencies which are liable to arise at any time. If there were no such emergencies there would be no necessity for it; if there were no contests in the convention system there would be no necessity for the primaries. Of course, it is a question as to whether it is wise to legislate in that way. I couldn't say as to that.

By Assemblyman CONKLIN:

Q. In the matter of United States senator, is your opinion that you have given born of the disbelief you have in the wisdom or ability of legislators to select proper men? A. No; it is not lack of ability; that is not the trouble.

Q. Well, are they not to be trusted to select good men? A. Well, I would rather not express an opinion. You must remember I have been through a senatorial fight, gentlemen. (Laughter.) Not for myself.

Q. Well, you would drift away from the old system of checks and balances that originally was instituted in the constitution? A. Oh, yes; surely. If I thought it was proper I would give you the history of the election of the United States Senator here in this State at the time Senator Gere was elected, if I thought it was proper to do it.

Q. I was asking it simply as an academic question, irrespective of any local conditions. A. Well —

Q. Whether you thought that there ought to be, or ought not to be, an intermediary between the people and the legislative representative? A. Personally, I believe the people ought to elect their United States senator.

By Judge KNAPP:

Q. Well, on that question the constitution recognizes the State in giving to each State the same number of United States senators and has delegated to the Legislatures the right to elect those senators? A. Of course, we can't get away from that.

Q. They are not the representatives simply of the people in that State, but of the State as an entity, are they not, while the Congressmen represent the population of the State? A. Yes, that is true.

Q. So many being assigned to each State according to population; that is the theory of the United States Senate, is it not? A. Yes; theoretically it was all right at the time. In my opinion, practically, it is wrong now. I have no remedy for it. The fact that here, in a primary, the State of Illinois had a primary by which the people expressed their will, doesn't amount to anything; it doesn't bind anybody except in morals and didn't bind any mor-

als in Illinois. After the people had expressed themselves the Legislature elected an entirely different man. It is more because I believe it is the fair thing to get the consideration of the people on that subject.

By Assemblyman CONKLIN:

Q. Well, if that became universal do you imagine that there might be some dissatisfaction; for instance, if a million people in Iowa were permitted to only have exactly the same representation as 60,000 people in Nevada, where are you reducing it to a proper representation? A. Well, I don't know as I just understand you. Of course, every State is entitled to two United States senators, large or small, whatever the vote may be. We can't change that.

By Judge KNAPP:

Q. But in one case the United States senator lives in the State of New York representing millions of people? A. Yes.

Q. That is in one sense; and in the case of Nevada they represent but a few thousand people? A. Well, the condition would be different.

Q. And their voices would be the same in the Senate of the United States? A. Yes.

Q. The theory being that each State as one of the community, or one of the Commonwealth of States, has some peculiar rights that, as represented by those members of Congress of the lower house, ought to represent the people? A. I don't think anyone has ever very seriously questioned the wisdom of the adoption of that principle at the very beginning. That will never change. I wouldn't change it if I could.

Adjourned to meet to-morrow morning at St. Paul, Minn.

TENTH SESSION — August 18, 1909.

ST. PAUL, MINN., *Wednesday, August 18, 1909.*

W. W. HEFFELFINGER.

By Judge KNAPP:

Q. You reside in St. Paul? A. Minneapolis.

Q. How long have you been a resident of the State of Minnesota? A. I was born in Minnesota.

Q. Your occupation is what? A. I am a shoe manufacturer.

Q. Have you any political position, official position. A. No.

Q. Have you in any way been identified with political activities in the State? A. Why, I have, just as a citizen; I went to the national convention four years ago, district delegate, and then I sat as one of the delegates at that time.

Q. You are of Republican affiliations? A. Republican, yes.

Q. The dominant party in Minnesota is Republican, as I understand it? A. It is.

Q. And what is the normal majority in the State? A. Oh, from thirty to fifty thousand.

Q. And the population of the State; can you give it about? A. It is about 2,000,000.

Q. The voting population would be somewhere about 400,000?

A. Would be hardly that much; 350,000.

Q. Minnesota has had a primary law since when? A. About six or eight years ago. I know I have been licked on it once — that is the only thing 1902, that is the Dwinell law.

Q. And it has been amended from time to time, since then, has it? A. I didn't think it had been amended at all; I haven't followed it in my own district. I think the law as it was first put out by Dwinell, the author of the law —

A voice: It was, I think, in this respect that the first law applied to the large counties and under the first law they were

required to have a petition signed by a certain percentage of the voters and that was knocked out — didn't have a canvass of the voters.

Secretary of State SCHMAHL: The Legislature passed an act for Hennepin county only, and then in the 1901 session of the Legislature made it general so far as the legislative, judicial, congressional and county officers were concerned, and it has been a little amended since, simple and trivial; the amendments are practically nothing.

Q. It doesn't apply to State officers?

The WITNESS: Some of these gentlemen could give you — I can't give you the workings of it as it applies to parties.

Q. Now you are a resident of the city of Minneapolis and what county? A. Hennepin county.

Q. What can you say, Mr. Heffelfinger, with reference to the operation of the statute in your county, as to whether or not this statute has developed any weak point? A. Well, the first weak point it developed is it licked the man who originated it; he was a very strong man; that was Dwinell. Under the primary election law here there were three candidates and he was the strong man of the three in my opinion, and he was beaten. He was entitled to go up.

Q. By a weaker man, is that it? A. Well, I don't know as he was a weaker man — in many respects, yes.

Q. What were the peculiar influences, for instance, that led to his defeat under those circumstances? A. Well, in the first place, under the primary election law, any fellow that wants to go around and spend money and buy cigars and is a fluent talker, no matter what are his other characteristics, can be elected — be nominated.

Q. You mean by that, that a man who is willing to make a campaign of personality and put himself in the hands of the voter and spend his money for cigars and so forth — A. A fluent talker, no matter what he thinks, if he is just an orator.

Q. He has an advantage? A. Oh, yes, he has an advantage; in fact, he can count on the nomination.

Q. Do the newspapers have any particular influence in securing the nomination? A. They do, especially when it applies to a

whole county. Now some — of course, some counties may be more easily carried one way or another.

Q. They attack you, do they, in the nomination? A. They go out and hammer a man; for instance, you take an illustration in the mayor fight four years ago (Mayor Jansen). There was a very hot election in the first place, and the primary brings out — in that election, sometimes, it is pretty hard work — I mean some man is going to be twisted and turned around and then the opposing candidate is defeated, who may be willing to support the ticket, but his followers won't. It practically means in most cases — we've seen it several times over in our county — when a strong man who gets the nomination is beaten by the opposing minority party because of what is engendered in the first election which is really the hardest contest of the two.

Q. And because of the bitterness that is aroused by these primary contests? A. Yes. It is an election. It is a double expense and takes double the time to go for office. In fact, I would not run for an office under the primary election myself. I would not go around and spend three months to get an office.

Senator MEADE: Let Mr. Heffelfinger go on and give his general observations? A. The strong man in the majority party is generally beaten. Now, for instance, take it in the seventh ward last year. There was — there was a man contested to take up the proposition — the seventh ward now, of Minneapolis, is generally put down as a Republican ward. There was a good deal of feeling down there and a man named Ellson won out, while a certain good Democratic alderman was elected. And I think if there had been on the old style — there had been any man nominated by the Republican element from the seventh ward — the seventh ward is, in my opinion, Republican now, naturally. Now I mentioned this case of Dwinell, who was beaten under this law; and he was individually the strong man of the three. A 1 business man, and a brainy man, entitled to go back, in my opinion. Jones, the Republican mayor, had given us an administration there that was satisfactory in most ways, and I think he would undoubtedly have been returned if it had not been for the primary fight; if it had been a convention he would have been nominated at the convention, and there would not have been engendered a

lot of personalities there, and personal hatred. Also the primary law tends to do away with party organization and makes what they call independent voters. In my short experience I haven't found that the independent voters accomplished very much if they are required to do anything in assisting the majority party to bring about results. Another thing, I notice in the paper that they have been parading, the number of votes, the percentage of votes, of Minneapolis, at the primary, is not increasing as the population is; it looks as if the people did not take to this double election as much as it would look at the time. I've read that in the *Tribune*, here about a year ago, showing, if you take those figures, if they are correct, and I've no doubt they are, it shows that while the State has practically added 150,000 people, probably, in the last ten years, that there is practically no increase at all in the primary election. Then another proposition I think I stated to you, for instance, in a primary, if a man is running for any office, as he would have to because first he couldn't accomplish the same result on the old proposition, he has to start out on the primary the first two months trying to get — people get sick and tired of resolution and various matters, they get sick of the man who is running, and the only way you can bring them out is to hand them cigars and liquor and pass around free lunch — they don't care anything about what you have to say; it is just for the social part. Another thing is under the primary law, if it was applied to our city here, and even in our county, we cannot get as well balanced a ticket as we can in the convention, either as regards men generally, and as regards nationality. For instance, in this city, I think, under the primary law, there might be an excess of candidates — of Scandinavians, same as in Wisconsin there might be of the Germans, and it bars a candidate, and you cannot get as well balanced a ticket, and I think that is a detriment to the man that you should have all one nationality; it will bring them out and there will be a fight.

By Senator MEADE:

Q. Geographically also? A. I didn't think of that. Yes, also geographically; that is another thing; you've got to have men from different sections, and you can't really under the primary act get

a good ticket. Again, I think in Minnesota one of the scandals of the last election was the way funds were spent; a couple of million, I guess, was spent in this State. In the ward committees, if a man wanted to run for the Senate, in my opinion, with a million dollars and he was a fluent talker, he would be elected; all he has to do is to get a few workers and his cash out, and he is nominated, and his name will begin to be a prominent one, no matter if a good deal better man is running for that office. That is just a few notes I jotted down coming up on the street car. I didn't —

Q. What do you say as to whether the primary system as worked out here in Minnesota has resulted in securing the best men to become candidates for prominent positions, politically?

A. I think it would be the reverse in one sense. I don't think any man wants to run two elections; it is enough to run one.

Q. Do you think there is anything humiliating in a personal campaign? A. There is in many respects; I know there is; you've got — are running, for instance, for mayor of Minneapolis; you've got to go down in the saloons and shake hands and buy a round of drinks to be it, or something in that line. I think that is —

Secretary of State SCHMAHL: This State is rather peculiar. It is less over the State in the contract board and school board — whether —

A. You mean all over. There are different offices that are elected by the school board and contract board and the library board — or there is a lot of them — we have very good men in these boards, that is one thing, because there has never been a primary on these for the members. There is no salary to it. Generally there are quite a number of candidates for office. There might be a chance where you could be a candidate, and for that to work out all right. I think, if I wanted, for instance, a man to say, run for mayor, and I wanted to handle the campaign myself, or any one else, and I thought that I could beat him, and I found that I could lick him by the use of candidates to bring men — as I say, I would try by getting this man and that man, and to go and work up some subterfuge to bring this man out or

bring that man out; he could be beaten in the primaries; you could split his vote.

Q. Well, do they sometimes induce people to go on the ticket for the purpose of weakening it? A. Why, certainly they do, certainly they do; I know the names of men, I don't care to mention them, but I know it is so; where you can work some people in to vote for the nominee, the minority party can defeat — nominate your candidate.

Q. The majority party's candidate? A. Yes. Now, for instance, they endeavored to put in Doc Ames, who was an A 1 Democrat, and he ran on a Republican ticket several years ago in Minneapolis; put him up as a Republican candidate; they put him up to beat him; but we swallowed the dose, and I think they beat them as I remember. And it is along that line. Now you can do that if the minority party — if there is only one candidate, which there generally is — if there was one, there was one candidate, any one can go and vote, and they can vote the Republican ticket, and then can do it day in and day out there, and they have done it.

Q. Is that done as a common practice, for members of one party to vote the ticket of others in the primary? A. Well, I think it is.

Q. Is there anything to prevent it in the law? A. Not unless it has been put in there lately. At one time they had to make their oath to vote, if they took an oath, that is, swore. You can change your politics at any time you want to in this State, you know; change them fast, sometimes.

Q. Says under oath that he intends to support the ticket or something of that kind? A. Yes. His intention that he is going to be a Republican or Democrat, or whatever they happen to want to do.

Q. What has the effect of that primary bill been upon party organization? A. Split it all to pieces.

Q. Makes factions in the majority party? A. Well, if the minority party are any way cute themselves, they know the only chance is getting in a scrap, for the candidate of the majority, and when they fight it out why there is generally not much primary.

Q. Then there have sometimes been scraps in the majority party? A. Oh, there is no doubt about that.

Q. Well, do they have any contest in the minority party except that? A. Well, they have no very hard fight.

Q. Over the nominations? A. I think last year they had a little one; generally there isn't much of a contest. They don't attempt to put up much of a contest; have no aggressive fights. For instance, in this commission proposition on the mayor, last fall, for the first time, I think, he practically alone was not opposed.

Q. You said something about the re-election of men who had proven wise and faithful public servants; under the primary system do you think it is more difficult to obtain re-election than under the convention and delegate system, ordinarily? A. I think it is, as a general proposition. I say there is a great deal of personality. If you can get certain people running around you can lick them.

Q. Did you have any laws that safeguarded your caucus and convention under the old law, prior to this law, that you mention, any local statutory rules, controlling the action of parties in holding caucuses? A. Well, there are certain rules and regulations; you will have to get them; I don't know what they are; you have to go and register, you have to live a certain time in the district, and a certain time in the ward, the same as you do under the present law.

Secretary of State SCHMAHL: Under the old law there was regulations for caucuses.

The WITNESS: They had regular rules and regulations the same as they have now, except may be, they have varied somewhat. They are very lax, now. I mean he might state, in his vote, that he wanted to vote — say what your residence is — I never saw any one challenged in Minneapolis in that case.

Q. The method of placing candidates on the ticket is alphabetical, is it? A. It has been that way.

Q. Is that the way it is now? A. I think last time they changed; they rotated them; you see so many under —

Q. Then changing them in different localities? A. Yes; I

don't know as they did in the localities throughout the State; they did it some way there, the same as we do.

Q. Now, the reason for that was, I suppose, that the first people on the ticket were liable to get a little advantage? A. Oh, they would. Some people only vote one vote, you know. That could be good, because some of our friends don't read the whole; some of them only vote for one office.

Q. Upon that point what have you observed with reference to candidates for minor offices, those who do not make a speaking campaign or an urgent campaign; is there very much attention paid to those, while there is — A. Not so much.

Q. — to a prominent candidate? A. If they are, for instance, on the contract board, and so forth, where they have gone out contesting for the office as a general proposition, they have an advantage by that over the extreme one — well, the school board had quite a fight last year. But where they do not go into the contests, so much, why they are — the mere fact that he is on the Republican ticket — the mere fact that he is a gentleman — sometimes people well known as that they are familiar with; they got used to the name that used to be well-known and they will take them on the name.

Q. Are these contests confined pretty much to the so-called heads of the ticket; that is, the prominent offices? A. Well, the prominent offices get the most votes, but then, of course, some of the others, they get more votes than some of the minor offices; because some people get, for instance, in the State ticket, they might go in and vote for the Governor; generally work them down to the — I mean that is apt to be the tendency, to take a prominent office; that gets the most votes.

Q. I think you stated that your observation was that it was expensive to make a contest? A. Yes.

Q. More so, you think, than under the convention and delegate system? A. Yes; it has double the expense; do you doubt that. I mean it is an expense, you know, to the candidate personally. A poor man can't very well run for some offices.

Q. Now, it is claimed that this primary system is designed to get rid of dictators in politics, called bosses, in some parts of the country. What is your observation as to whether the operation of

the primary here in Minnesota has accomplished that? A. Well, I think it is a pretty hard thing to get rid of the bosses. In one sense we haven't any in our county. Be a good thing if we had. (Laughter). If we had a good boss over there; it might do us good, to get a boss there, I think. It couldn't be any worse than it is in Hennepin county. I think you can get primaries, you can engineer a scheme to bring about results and if you spend money and there are candidates, you know you can go out and get votes. Of course, I don't mean to say this law has not furnished good people in the election. You can furnish good men under this law, the same as under any other law, but I claim they have hard work to do it.

Q. Well, do the political party organizations seek to make nominations by the use of this law, or under the law? A. I don't know as I just understand that question.

Q. The political committee, and so forth, do they have any general plan, or method? A. Oh, they may haggle to get a man to run; if he wants to run for a certain office, or any one wanted to run for an office; probably a man might want a given office, and he will present his name in there; he generally says: "I want to run for this office," or, want to know if they are going to get some support in doing it, you can go and put in your name whether they would give you support or not.

Q. Have you observed whether the successful candidates that were subsequently elected, used their position in any respect for the building up of a personal machine? A. Why, that is natural; you know any fellow, of course, he builds up a machine if he can; if he wants to stay in office.

Q. Build up a machine by appointing his own men? A. No, no; now take it in our primary fight here in the city hall, the individual candidate is usually looking out for himself. They have been in the city hall for years; they have a list; you can get them to come up and contribute money to political organizations; they feel it is not necessary; they build up their own machine; use their names, and it keeps going that way; why the public become accustomed to that name and it is a power in itself, and they feel they don't need it. And it surely disrupts the party organization; makes a personal independent following to a great degree.

Q. From your observation of the working of the statute, in county and municipal affairs, would you advocate its extension in this State to State officers? A. I certainly would not.

Q. Or to the selection of electors, Presidential electors? A. I would not; no. We elect United States Senator through the Legislature.

Q. And would advocate this extension to the election of United States Senator by the people and the nomination of United States Senator in that way? A. No, I would not. I believe that generally you could get the consent of the Legislature, they are responsible to the people now; they are elected by the people. If the people don't like the Legislature they can change it.

Q. Now, in your business associations you come in contact with many business people, and professional people in the city of Minneapolis? A. Well, I know quite a number of them.

Q. Is there a difference of opinion, a wide difference of opinion as to the desirability and effectiveness of this primary law? A. Most of them don't know anything about it. A fellow has got to get into the game to get next to it. (Laughter.)

Q. That is, you mean that most of them don't pay any attention, particularly to political matters — A. Only in name. They take the papers and so forth, but they don't really know anything about politics, and you have to get in the game, as I say, to find out some of these things and get it good and strong. I've been licked several times that way with strong men, particularly under this law, and that is the way I feel this thing.

By Senator MEADE:

Q. You have been licked, personally? A. Not personally, but interested in the Republican candidate. I am a Republican and when it comes down I stick to a Republican candidate whoever he is.

By Judge KNAPP:

Q. I think I have seen your name on the Yale football team? A. Yes, years ago.

By Senator MEADE:

Q. Were you familiar with the operations of the convention system prior to the adoption of this? A. I have attended a few conventions. I am not as well acquainted with them as I might be.

Q. What would you say as to the nature of public officers, whether or not the direct primary law produces a better class and a more efficient set of public officials than the convention system?

A. Well, I say you can get better public officials in the old convention system, that you can in the primary; as I said, you get a better balanced ticket, a stronger ticket, because you have to have a good ticket to win out, and you can do it because you have to vote according to certain localities and certain nationalities, and so forth. The vote is scattered between members of the party and if they want to run it has to consider the man that can get the most votes in some way, and they may all turn in and vote that way if you can work it out; you cannot get a preponderance of candidates in one county; that is not a good thing for State politics; would it be? Or it would not be the same way to have all one nationality on the ticket for that would disrupt the party sure. When we meet in districts in common, in the proposition of a convention, we are more apt to use reason to lay out a plan of action than it would be for the people. Now a good many friends might vote for my friend Schmahl, because he was here and might have become known that he was a candidate, and any one that asked them, and yet, probably he would not suit the party, not the best man, and in that way they will vote because he has been here, and they just vote; they don't care anything about that; they don't know anything about that, and the Johnson on the ticket." And they voted the same way as they did Schmahl or Heffelfinger, and for all the State officers that might be German; they don't know anyone, and might have a leaning that way, and they would vote for them; and that would mean that you get a good ticket. That it will oblige some nominee. The same way with the judges and every other — sometimes the best judges here used to be the best lawyers that we have in our county.

Q. The judges are nominated in this same way? A. Yes, same proposition.

Q. And they are nominated by a plurality rather than a majority vote, are they, by this system? A. Yes, the four highest votes are the nominees.

Q. And if there is a number of candidates may not the men receiving the nomination have only a small plurality? A. Yes, we have some put in there, and then we will have another man put in; we get them to run, and it wouldn't be necessary to have —

Q. Does that happen sometimes in an election? A. Yes, some of the best men have been beaten out. Well, of course, that is where they get a bad man. Every one seems to take an interest in judges; and it would be harder to work in this other plan of building it up and work it out.

By Senator MEADE:

Q. What do you say, Mr. Heffelfinger, as to the relative cost to the candidates under the two systems? A. Why, it costs a good deal more in the primaries. No man appeals on his character. When he goes out to talk they ask him: "Where are the cigars?" This goes on all night and you are working all day, and they want something before they hear you, and if you don't give them something, then you are a hell of a fellow.

By Assemblyman PHILLIPS:

Q. Mr. Heffelfinger, it is claimed by the advocates of the direct primary system that it curtails the power of the so-called party boss. What do you say as to the proposition; whether it does, or does not? A. Well, I really can't say much on that. We have no boss, as I say; I don't know whether it would be better if we had one, as I said before you came in.

Q. What do you say on the proposition — do you nominate your members of both branches of the Legislature by direct nominations? A. Yes.

Q. What do you say, for instance, where a senatorial district is composed, for instance, of rural communities, and also a large center of population; what is the opportunity of a man from the rural district receiving the nomination, or is there a tendency to having the nomination controlled by the larger center of population? A. That is the tendency. We have one case over in

Minneapolis, with a certain part of the county in that way; I think the convention system would be more apt to recognize what it would have to concentrate around.

By Senator MEADE:

Q. To balance the ticket geographically? A. Yes; they have to find out — they will — the fellows generally agree; and they feel they have to do it; have to get their force working good.

Q. I don't think the question of the cost to the municipality has been touched upon. Are you familiar enough with the conditions to tell us anything about it? A. Some gentlemen will appear and furnish that to you. There is an extra expense there, of course; I suppose it cost Minneapolis \$7,000 to \$8,000 extra to have these two elections.

By Assemblyman PHILLIPS:

Q. As I understand, you don't have a State-wide primary system here; that is, you don't nominate the State officers? A. Not yet.

By Judge KNAPP:

Q. Is there an agitation for its extension to the State? A. Well, if you believe things you hear; I don't believe many of the fellows that are in the Legislature would put that law there. I was talking to a man about a month ago in the cars; he says: "The party is for breaking out against — the boys are in favor of killing this thing;" and he says, "They won't go back, and they are afraid of it."

Mr. HARVEY GRIMMER: The Governor recommended it in one of his messages.

The WITNESS: Well, the Governor is a good politician and maybe takes it up lately. (Laughter.)

By Senator MEADE:

Q. What do you say, Mr. Heffelfinger, as to whether or not, under this system, the office seeks the man, or the man the office?

A. The man the office.

By Assemblyman PHILLIPS:

Q. I suppose if he had a loud voice and a fat pocketbook that would also be some advantage to him, under this? A. A loud voice and power, or a good talker, is a very essential proposition. Of course, there are exceptions to every rule.

By Judge KNAPP:

Q. Are nominations sometimes made because of sympathy for some unfortunate condition, physical ailment, or something of that kind, in minor offices? A. Well, I wouldn't care—I wouldn't want to express myself. I suppose if a man got out before the public and had any ability, or was lame, or something of that kind, they may hand him an office; but I don't know that I have any positive knowledge; I don't want to state anything that I don't feel I can verify.

Judge KNAPP: We are very much obliged to you, Mr. Heffelfinger, for your attendance.

HUGH T. HALBERT, attorney, president of the Roosevelt Club, of St. Paul, and was chairman of the Republican City Committee.

By Judge KNAPP:

Q. Mr. Halbert, you live in the city of St. Paul? A. I do.

Q. You were chairman of the City Committee at one time?

A. The Republican City Committee; two years ago.

Q. You have been a resident of this city how long? A. For nearly twenty years; originally, my home was in New York State; Binghamton, N. Y.

Q. Since you have been in this State you have observed the workings of the primary law, and also the delegate and convention system, which was in vogue prior to it? A. Very much interested in it.

Q. Were you interested in the delegate and convention system, in politics, at that time? A. I was.

Q. Were there any particular evils that have grown up under the operation of this system that this new primary law was intended to correct? A. A great many.

Q. In the city as well as in the county and State at large that you had observed? A. In all.

By Senator MEADE:

Q. Tell us about these evils? A. May I state at the outset that although Mr. Heffelfinger and myself are Yale men, and have always agreed on athletics, that I disagree absolutely with Mr. Heffelfinger on nearly all the essential statements that he has made. He stated that under the primary system that a man could get into office — any one could be elected into office by distributing liquor and cigars. I differ with that statement very decidedly, as a reflection on the voting public of Minnesota. And if it were true it would be infinitely preferable to the purchase of the support of the politicians, or a boss, so-called. I differ with the statement that the newspapers have a great deal of influence under the primary election law. They do have influence when they represent the wishes of the people. They never have any influence when they misrepresent the wishes of the people. I differ with his statement that there is very little interest, comparatively speaking, in the primaries, or not any more interest than in the party caucuses. I think it might be stated advisedly that under the party caucuses if we had 10 per cent. of the voters at a caucus we were lucky. That at the primaries from 50 to 70 per cent. of the voters vote. Comparing the two systems, if you will allow me, under the convention system and under the primary system, there are three parties that have got to be considered, the voter, the aspirant for office and the public at large. Under the old system, the question is raised, did the voter have more interest in the choice of the candidate for office under the convention system than he has now. If only 10 per cent. attended at a caucus where 50 per cent. of the voters now vote at the primary, it is proof conclusively that he has more interest under the present primary system. There is another reason why he has more interest, that under the old delegate and convention system the voter's wishes were absolutely subordinated to the wishes of the men in control of the party, or so-called boss; and the question becomes one of wise, or unwise leadership, so far as a man running for office is concerned. Under the convention and delegate system as we had it in this State and in this county, we had the peculiar anomaly of an elective office and a man where he should be elected by the people, who was practically appointed by a coterie of poli-

ticians, and as soon as he got the appointment he was assured of his election.

Secretary of State SCHMAHL: I just want to ask you, there, before you go any further, has the State of Minnesota ever had in either party a political boss?

A. The State of Minnesota has had some political bosses, appointed, but it never has had a political boss, under the convention system, therefore, the candidate for office, if he was a retired business man, or a man whom we would like to have in, he would not run for office because he was afraid he would have to kow tow — and he did have to kow tow — to get the support and nomination of a certain — of a class of politicians or the boss, and that meant the payment of money, and he would have either to truckle to them, one way or the other. Now, when it came to the public at large under the convention and delegate system, we had in this State, not only in the city and county, but we had in the State, in all three, pretty nearly, a combination of politicians with the so-called interests and dominant corporations which gave them a complete immunity at law, at times. Now, in so far as I have observed the workings of the primary system, it has done away with the so-called combination, because they could not reach it; they could not reach the people as a whole. And if they could not reach the people as a whole, the public was therefore just so much better off. Now, there were a good many minor defects to the primary election law. There are two great defects. One of them — we had separate ballots. The independent voter, at times, wanted to vote for a candidate of the other party and he could not do it, particularly if he wanted to vote the Republican ticket and he wanted to vote for somebody in the Democratic ticket. he could not very well do it.

By Assemblyman PHILLIPS:

Q. You mean at the primary? A. At the primary.

Q. Do you think he should have that right? A. He had a separate ballot — I have a remedy that I'm just coming to in a moment, if you will allow me — which I think will give him his right; such a right.

By Senator MEADE:

Q. Go ahead? A. Another defect was this: That if the minority party, as was stated by Mr. Heffelfinger, wanted to vote to put a man into office, they might go out and vote a ticket in his favor, although it might not have been their ticket.

By Judge KNAPP:

Q. You mean a vote for a weak candidate on the Republican ticket? A. A vote for a weak candidate on the Republican ticket. When it comes to the remedying of these two important defects — now the minor defects — defects, for instance, they call the influence of the newspaper — they call another minor defect. I think the answer to that is fair, that we've had an illustration in, I think, every State, as if a newspaper does not represent the sentiment of the people, the man will be defeated. Another minor defect is this, that they say that the people do not become acquainted with the candidate, as well, under the primary system, as under the delegate system. We claim that is one of the strongest answers in favor of the primary system; that they do become acquainted with them; that where, in a convention, sometimes, at the eleventh hour, the boss does not disclose his hand; or the bosses, or whoever is in control, and then they shove their man forward, and the people have never heard of him, as a candidate. Mr. Heffelfinger, it seems to me, in one of his closing statements (if I am not right, I would like to have you gentlemen correct me), has the strongest argument in favor of the primary election law, when he said most of the boys were in favor of wanting the party to withdraw and go back, and failed. Why did they fail?

Secretary of State SCHMAHL: No; he said they were afraid.

The WITNESS: Well, afraid — substitute the word — what were they afraid of? They were afraid of one thing, gentlemen. They were afraid that the people would not stand for it; and that is the best proof that we can have that we have got here, we've got back to the old democratic form, town form of government, where we go directly to the people, instead of the republican form of government. Now, with regard to those two really important defects that I think you will find in pretty near every law, the

independent voting and the voting for two candidates, it seems to me that there is only one remedy for that — it is not in the meaning of the primary election law we brought up at the last Legislature; we did not try it — I mean that the foes of the law did not try to do it; but those of us who were friends of the law, voted for every amendment and the amendments were all defeated. But instead of trying to amend the law, if they shortened the ballot and simplified the number of men for whom they were voting we could not, we would not, find those attempts to elect minority candidates, or to interfere with the independent voter, and there is one way that can be done and that is by the adoption of the so-called Galveston or Des Moines plan of government, where you vote for certain commissioners and you eliminate two and say for which of the two, they have so many chances, and you eliminate on the vote for coroner, justice of the peace and everything else.

By Assemblyman PHILLIPS:

Q. You are having a pure democracy then, aren't you? A. You have your democracy, you have there the democracy representative, because you elect your commissioners.

By Judge KNAPP:

Q. You absolutely eliminate the party, do you not, by this process? Under the Des Moines system you absolutely eliminate the party; there is no party? A. It is absolutely an ending to the present system so far as the system is concerned.

Q. Do you take that view of State affairs? A. No, I do not; I believe in the party; I believe in the system —

Q. And the use of party tickets? A. Yes; you see, we do have a primary election; we don't have a primary election for State officers.

Q. I know you don't, but I understand you to say that, by the use of that form of a ticket that is used in the Des Moines system, you would get rid of those conditions that you speak of? A. Yes; in city and county offices.

Q. And you would also eliminate the partisanship of party organization? A. In city and county, I say, I would, absolutely.

By Assemblyman HOWARD:

Q. Then, I take it, that you recommend the extension of the direct primary plan to State-wide — A. I certainly would. Because I believe there, the publicity — the number of officials voted on the State ticket, beginning with your Governor and Lieutenant-Governor and so forth, the Secretary of State, the number of officials is so small, comparatively, with the other ballot, and not so long and with so much publicity with regard to the State-wide ticket that I think the delegates to the State convention are in position — I can better illustrate it, I believe that most of the State conventions, most of the Republican state conventions have been, more or less, controlled by the corporations in the State of Minnesota for the past decade. I believe that during the last Republican State convention that the controlling interest there, in the Republican State convention — I think we nominated an honest, fearless man — that the controlling interest in the last Republican convention, of which I was a delegate, was the breweries; and I cannot better illustrate it than in my own county convention, where from five of the wards we had representatives from the breweries who took a most important interest.

By Senator MEADE:

Q. Mr. Halbert, a gentleman outside of the Committee has requested the privilege of asking you two or three questions. Do you object to it? A. No; if I can have the same opportunity to cross-examine him; if the Committee will accord that to me.

By Assemblyman PHILLIPS:

Q. Why, we cannot; we will hear any statement you make. This is not cross-examination; if you are simply willing? A. I am, if that gentleman will accord me the same privilege; I think that is fair.

Q. You mean to ask him that when he is on the stand? A. I mean the same privilege.

Assemblyman PHILLIPS: So far as the Committee is concerned, we are perfectly willing.

Senator MEADE: We are glad to have things that will help; anything we can get out we are glad to have come.

Assemblyman PHILLIPS: If anybody can by questioning give us any light that will help us, that is good.

Senator MEADE: Being familiar, of course, with the law on both sides here in Minnesota, you would be more apt to think of questions than, perhaps, we might.

By Assemblyman HOWARD:

Q. Before that is done let me ask Mr. Halbert a question or two: Some of us are distinctly interested in rural communities, in the operation of such a law in a rural community; will the same increase of percentage of the number of people who take part in a primary, as compared with the old plan, apply to a purely rural county? A. Wouldn't it be a fair retort to say that the answer to that question should come from a man who lived in a rural community and was somewhat familiar with their conditions?

Q. Well, that is true; if you don't know. A. Allow me to state that, according to the law, you know, we had the Australian ballot system in 1889; ten years later, we passed this primary election law, in 1899; and at that time we applied it to cities having a population of 200,000, or more, which restricted it, practically, to the city of Minneapolis. Then, in 1901, we applied it to all offices save State offices and except villages and smaller towns of 10,000 inhabitants and less, so it does not apply to villages and towns of 10,000, or less, or to certain boards, contract boards, that are all elected.

Q. Now, let me ask you this: Isn't it true that the primary system, so far as experience goes, works better where it is more nearly possible for the candidate to be known by all the voters? A. My honest opinion is, that the primary system works best everywhere.

Q. No; but isn't it true that the more information that a voter can get the more intelligently he can vote? A. Yes.

Q. Then, if a man lives in a community of 500, and is known by everybody, can't the voters express themselves more intelligently than they could in a city of 500,000 where they could not know him? A. The answer to that lies in the twentieth century civilization and publicity which is given, in the papers, and in the

fact that nearly every man reads the newspapers and he becomes as familiar in the city as he does in the country; I should think that they should become just as familiar here, and in fact, I should think that it would be more important here by the lack of communication in the country.

Q. I am speaking now of villages; what I know personally of my neighbor, I know; what I see in the newspaper I know, if the newspaper tells the truth; isn't that so? A. That is true.

Q. If there are two newspapers, one espousing the cause of a candidate and the other being against him; if I have been disposed to follow, disposed to believe in the one that is against him, the information that I have may be wrong and I get incorrect information, do I not? A. You do.

Q. Well, then in a community where I, as a voter, might know the candidate as an individual, I could express myself more intelligently than I could if I depended upon newspapers, could I not? A. Well, I want to answer that there is a subterranean channel by which the people get information — and I am going to state — make an admission against interest; the last campaign, two years ago, the present mayor of the city of St. Paul had the newspapers against him. He had but one newspaper which was in his favor and he was elected, to the contrary notwithstanding, and although I was opposed to him. Now that showed that the people, in the long run, make their own choice, and they get, they arrive at, their own conclusions.

Q. The reason why I ask these questions is this, your law eliminated the smaller towns and I wondered upon what theory they were eliminated. A. Well, I will give you an honest answer there; I am not sufficiently informed on what the Legislature had in mind; I think there is a member of the Legislature here that could tell you.

By Assemblyman CONKLIN:

Q. On this general proposition of the direct primaries throughout the State — that you believed the State convention, say of the Republican party, I suppose, was controlled by certain large financial interests. Well, now, if such be the case and the candi-

date is put up by such a convention under obligations to such interests, have not the people a sufficient opportunity of correcting that mistake at the general election? A. They have the opportunity; it is a question whether they exercise it because of the fact that before the primary system was in vogue there was very little of the independent thinking on the part of the voters. We believe that one of the greatest blessings that has been brought about by the primary system is that at the same time the voters think as they have never thought before.

Q. Well, the idea is that they were so strongly attached to the name of the party that they voted for the candidates of that party irrespective of the merits of the candidates? A. No, I think I can answer that question with an illustration: The last candidate, Republican candidate for Governor, was an honest, fearless advocate of the people. Right up here in the House of Representatives his voice has been heard in more causes of reform here than any man that they have here; he was chairman of the committee on appropriations, and again on the board of control. A great many voters were suspicious of the support that was accorded to him in the State convention; and I believe that these very voters were driven away because of that support, and they thought he might have changed, when I do not believe he did change. He was defeated.

Q. To go one step further; suppose there is this direct primary system in operation, and in the process of evolution there grow up two factions of one party — we will call them Stalwarts and Halfbreeds for illustration. A large part of the people become attached to the Halfbreeds, so that there are leaders growing up among them; these leaders put forth a candidate who is nominated or who was presented as the candidate for nomination at the direct primary. It became so that the mere putting up of this candidate is equivalent to his securing the nomination because so many people have become attached to that name, the favorite faction of the Republican party. Are we to go one step further in the evolution and then control in the selection of that man as the nominee for the nomination? A. Do you mean, can the direct primary put that man in nomination, or do you mean if the so-called clique in the convention put him in nomination whether or not he would be defeated?

Q. I am trying to find out where this is going, ultimately, to land us; whether we are going one step still further back, if there might be growing up two factions, just the same as there have grown up two great parties in our country; now if one party divides because of this direct primary, divides into factions that we will call the Stalwarts and Halfbreeds, and a large proportion of the people of the community become attached to the Halfbreeds, and there was a strong man in the Halfbreed faction that put up the candidates for that—to be voted for at the direct primary; isn't that exactly a similar situation to that which had grown up at the general election? Wouldn't you have to go still further back, then, and control the putting up of candidates of this Halfbreed faction for the direct primary? A. You eliminate there the independent in the convention; you have eliminated out of consideration the third party, the people. You may have your Halfbreeds and your Stalwarts in the primary, but you have got the people, the deciding element, between them. In the convention you will have just your Halfbreeds and your Stalwarts, and the people eliminated entirely.

Q. I am presuming that they would become just as strongly attached to the Halfbreed faction as they now are to the Republican party, and would vote just as blindly for the candidates of the Halfbreed faction in the party as they now vote, for the candidates of the Republican party in the general election. A. Then, haven't you got a condition that only could be changed by the change of the people of the community; the law can't change that condition anywhere. There you have got a condition. (I am familiar with the so-called Stalwarts because I used to live in New York State and my father was the leader of the Stalwart faction for Roscoe Conkling — and the name, Conkling —)

Assemblyman PHILLIPS: This is Mr. Conklin (indicating).

The WITNESS: My father voted for Conkling at the time that he was in the New York State Legislature.

By Assemblyman PHILLIPS:

Q. I supposed it was Mr. Conkling you were getting at — you say that the third party, the people, are eliminated. Of course, now you claim that is necessary because there has grown up in this

country two great political parties who follow the banner of one party or the other; they become so attached to them that they use their power at the polls. So that when you adopt the direct primary system you give the people practically two elections; that is, that they have two chances instead of one; that is about all there is to it. You will concede that if the people did exercise the power that they have at the polls they would remedy the evils that there are, if they would only do so? A. If the people —

Q. If they would not permit their attachment to a certain party to blind them to that extent that they would not discriminate at all upon the candidates? A. Yes.

Q. I suppose that what Mr. Conklin was getting at is, that you have some condition, but if you had your direct primary, which is another election only of the electors of that particular political party, that you may have in that political party two factions to which the people would be attached as strongly, to one faction or the other, as they are now attached to the Republican or Democratic party. A. That is unquestionably true.

Q. Then the question would be whether you would still go back of that — I suppose that is what he is getting at.

Assemblyman CONKLIN: That is the idea.

The WITNESS: You probably couldn't, very well, go back, because the law has not given the party machinery to do it. I don't want you gentlemen to think for one moment that I am not in favor of a party. I am the head of — unfortunately — the head of the Republican Club; but the active membership of that club is restricted to men who are not officeholders or officeseekers. We believe in the party. And, I think, very emphatically, that there should be conventions held every so often. And in those conventions, instead of being constituted as log-rolling conventions, why couldn't they enunciate the party platform and elect party officers such as the representative in the national Republican party and the committees and the chairman of the State committee, and elect them and have their party machinery?

By Senator MEADE:

Q. Then do you think, Mr. Halbert, that the law under which conventions are held could be so amended as to make that system

desirable? A. Make that system, provided that the election for State officers was made by the people. I don't think that the nominations —

By Judge KNAPP:

Q. He means to eliminate from conventions the nominations?

A. The nominations.

Q. Now we have seen — our Congressmen are elected here by the people or nominated by the people —

By Senator MEADE:

Q. Mr. Halbert, do you believe in a pure democracy as distinguished from a representative government? A. I do.

Q. This Des Moines plan that you suggested or the Galveston plan contemplates or contains a provision for a referendum?

A. For a referendum, initiative and recall.

Q. You believe in all these, you say? A. I believe in all three of these, very decidedly.

Q. Now this gentleman that wanted to ask you a question is Mr. Julius A. Schmahl, the Secretary of State of Minnesota. We will now give him opportunity.

Mr. SCHMAHL: Never mind, I don't care to.

The WITNESS: He is opposed to the primary system and I would be glad to answer any question he may ask.

Secretary SCHMAHL: I don't care to.

Senator MEADE: All right. He has withdrawn his request.

Judge KNAPP: If the chairman will allow me, please, a question or two.

Senator MEADE: Surely, go ahead.

By Judge KNAPP:

Q. You referred to the defeat of the Republican candidate for Governor at the primary; is that due in any respect to the factional fights that arose under the primary? A. I have to give an honest answer notwithstanding that his right hand man is seated at your right, there — it was practically due to that, but the real reason of his defeat was the magnetic personality of the present Governor.

Q. The factional fights that are started at the primaries are carried into the election, are they not, to some extent? A. Yes, they are. The candidates — I can answer you best by an illustration: A business man two years ago was nominated for mayor, a reputable business man nominated, notwithstanding the fact that the Republican machine almost to a man was bitterly opposed to him. And after his nomination he was defeated, and defeated by a very strong majority, because, as some of us believed, that the machine worked in with the Democratic machine, and they worked together and caused his defeat.

Q. Well, of course, that was a righteous result, was it not, because the majority of the people said it was? A. That's right.

Q. And so in the case of the defeat of the Republican candidate for Governor, it was the righteous result because the majority said so? A. The people.

Q. Is that the fact? A. Yes, that is exactly so.

Q. So that we understand, then, that you maintain that is substantially true in all cases where the majority says so; it is the righteous result; that the majority are always right? A. Not always, because of the fact that at times they don't discriminate between the honest and the dishonest public servant, but under the primary election law I think that in nearly all the cases, most all of the cases that have come under my observation the people have chosen wisely, and that in our State and county offices we have better men than we have had under the delegate system.

Q. That in the primary they are able to discriminate, and that they are only swayed in the primary by patriotic motives, and motives that have in mind the best things for the community; in the primary they are swayed only by such motives, as I understand you? A. I think, of course, in all honesty, I think more people are swayed by that infinitely more than they would be in the party caucuses.

Q. But when it comes to an election they are sometimes swayed by factional prejudice? A. Unquestionably.

Q. The same people? A. The same people. While there may be defects under the primary system, I claim that under the convention system there were far worse.

Q. Now, I did not quite understand you in your statement that

you would advise and advocate the extension of this primary system to State officers, whether or not you would like to extend the so-called Des Moines system of nominations of officers or would you have two tickets in the State? A. No, Judge. The so-called Galveston and Des Moines plan has been simply with reference to the plan with reference to city municipal government and has never been applied to the State.

Q. I understand you to state that by pursuing a plan of that kind you could get rid of the defects of the present primary system? A. I think you could.

Q. And if you were to extend that plan to State officers, in order to get rid of those defects you would have to extend the Des Moines system to the State on one ticket? A. Well, I don't know; we would have to extend that to state officers and I doubt if it would be possible because of the fact that we would have so many candidates to vote for on the State ticket; in fact, on the State ticket you only have — you won't have as many as you will have on those two tickets.

Q. You would have the Democrats participate in the Republican primaries and vice versa in the State-wide plan unless you did adopt the single ticket process? A. That is true, that is true; unless you adopted some sort of process you would always meet with that objection.

Q. Do you think that the mass of the people become acquainted with any of the candidates to any extent except those who are at the head of the ticket? A. I do.

Q. So as to vote intelligently with regard to them? A. I do. I don't believe, however, with the tickets as long as they are — of course, here we have a town or city of 200,000 inhabitants; where it is a city of twice or four times that amount we have a ticket so long that it is utterly impossible for the voters to know the merits of it. There is, however, one way that he can do, which some of us advocate, and advocate very strongly, and that is, by trying to establish by such organizations as the Voters' League, who act as the political Bradstreet and give qualifications of the candidates to the people, and they are successful so long as they will honestly conduct their investigations at the primary.

Q. Is there any marked difference of opinion as to the effi-

ciency and desirability of this system among good and patriotic and well-meaning people here in Minnesota? A. You heard Mr. Heffelfinger's testimony on that point?

Q. And we have your testimony? A. Under my observation the sentiment of the people of Minnesota is overwhelming in favor of a primary law.

Q. I mean whether there are men taking honest views of things with honest purposes, with reference to the government of Minnesota, whether they differ with you? A. They certainly do, a great many of them. But I think the overwhelming sentiment is in favor of the primary election law. The best illustration, I think, is right in the tariff; I think our Congressmen here, the Minnesota Congressmen, they voted and expressed the wishes of their constituents; they were all elected and are going back; they came back to the people of Minnesota and the people of Minnesota have spoken.

By Assemblyman PHILLIPS:

Q. Well, that only shows that a Democrat once said that the tariff is a local issue. A. That is true. (Laughter.)

Q. They voted against the tariff bill, voted with the Democrats? A. All save one. They voted against the interests, against the interests in a certain way, because of the opinion of the people.

Q. That is about all? A. You can qualify that; they voted because they believed their party had not adhered to its promises made to the people when they got in power. That is the way some of us believe.

Q. Well, they interpret that for a resident of the State of Minnesota. I am getting to be quite a believer that the tariff is a local issue. A. That is true.

Q. The moment you strike one certain section of the people — although there may be a large section of the country the other way — why when you strike them they are up in arms. I understood you to say that you — I think it is on record that you favored a pure democracy and you are for the initiative and referendum, and for the recall? A. Very strongly.

Q. And I suppose you would include direct election of United States Senator by the people? A. I do, very decidedly.

Q. Well, that is a very sincere belief and I think they all go together. Do you think that in this country with so many large cities and so many different classes of citizens with the large foreign element, that you ever could, successfully and permanently, establish a pure democracy? A. I have found in a limited observation that many of the best citizens that we have are so-called cosmopolitan foreign citizens who come over here and as soon as they get their citizenship they read and they think for themselves, and this is particularly true in the State of Minnesota.

By Judge KNAPP:

Q. Are they capable of making their laws; is a mass of people capable of making the laws for the people of Minnesota or any other State, or are the laws better framed by representatives? A. The laws are better framed by representatives.

Q. That is what I understood by the republican form of government; a pure democracy is a democracy where the people gather together and frame their own laws? A. Of course, that is the —

By Assemblyman PHILLIPS:

Q. That is, themselves, the people, without elections and so forth? A. That is going too far. We will have to have a Legislature; you have got to have. Unquestionably you could not do that — the town form of government; that would be amplifying it to an unlimited degree.

By Judge KNAPP:

Q. That is the only true democracy? A. Oh, the true democracy, so far as I take it, is the democracy where the people have the direct selection of their representatives.

By Assemblyman PHILLIPS:

Q. You would only apply it to that. You would not go the full length? A. No, no, no; that would be impossible.

Q. You spoke a while ago about a convention — I forget — or Mr. Heffelfinger spoke, that there was not the opportunity under the direct primary plan to distribute and balance up a ticket, and you said you disagreed with him on that, and then spoke of a convention nominating at the last hour a man whose name was not even before the convention. Don't you think, at times, that that is a good thing, if the people of the State, by that process, sometimes procure a very able and proficient man, whom you could not induce to enter into the direct primary? A. There is such a practice everywhere, you know that. (Laughter.)

Q. Yes — well, what I have in mind, the distinguished citizen of whom all New Yorkers are very proud, for whom your club is named, was nominated distinctly by the order of the so-called party boss? A. And that —

Q. For the reason that he thought while the delegates and, I think, the people generally were for other men — but he thought it would be better for the people and it would insure victory at the polls if he was nominated? A. That was the law of political self-preservation.

Q. Yes. Well, I say no in that case; it worked well because it gave us a very distinguished man at that particular time and probably saved the Republican party in the State of New York? A. That is true, but the boss would never retain his power did he not use such tactics a great deal of the time. And it is because he blinds the people with the feeling that they have got the man, where oftentimes that man becomes a mere puppet, but Theodore Roosevelt was not one of that sort.

By Senator MEADE:

Q. Mr. Halbert, what do you say about the nomination of Governor Hughes at the last convention in New York State when all the political bosses were against him, the convention still nominated Governor Hughes, a man we are just as proud of as we are of Theodore Roosevelt? A. Well, in the first place, may I say to the Committee that you from New York are no more proud of Governor Hughes than we are here in Minnesota.

Q. Well, but he — A voice: Not much.

The WITNESS: Then in the second place, we believe that what

has been going on in this country and of which the direct primary system is the result, spoke to that convention or the convention would never have renominated Governor Hughes unless the people demanded that renomination.

Q. Yes. A. They were determined they were going to have him, and they did not dare face the people, the men who held control of the delegations in the conventions, without nominating him.

By Judge KNAPP:

Q. Yet, notwithstanding that overwhelming argument of the people he got the lowest vote on the State ticket when his name was finally submitted to the people at the polls. A. And that is one of the answers to the comparison of the so-called primary and delegate systems, namely, that the effect of the public at large, under the primary system, many times minimizes the influence of private interests and the corporate control. I believe that the corporate interests and corporate control were bent upon his extermination, and they made every effort in their power to do so; and furthermore that they were aided and abetted by the so-called people who wished immunity from law; and I believe that the race track element was against him to a man.

By Senator MEADE:

Q. But in the case of his nomination, Mr. Halbert, isn't it a fact that the people ruled the convention and not the bosses? A. In reply, Senator, I think it is one of the remarkable exceptions that proves the rule.

By Assemblyman CONKLIN:

Q. One thing, if I may ask a question along that line before we leave it. In his original nomination considerable pressure had to be brought upon him, as I recall political history, to induce him to take the nomination, a lawyer of very high standing, such as he was, in the community. Now it is very generally believed that he would never have announced himself as a candidate and go out in the hurly-burly of a political fight for the nomination. Do you think that such a man as that can be induced, under

the direct primary system, to go out and themselves seek nomination? A. Inasmuch as I am an assiduous reader of the public — of what Governor Hughes has said about the primary system himself and which was strongly in his favor, I could not help believing that he would follow his own conviction and go before the people.

By Judge KNAPP:

Q. Don't you think that the way that these bosses, so-called, keep their power, is because they keep their ear to the ground and listen to public wishes and public sentiment to a large extent, and the way parties succeed is because they also listen to the public voice in making nominations, as in the case of Governor Hughes, as you suggested; isn't that the way that men who are leaders in politics have kept their power to quite a large extent? A. Yes, that is the law of political self-preservation; that is the only way they could have kept it.

Q. That is the only way the Republican party kept itself together, is by endeavoring to carry out what it believed to be the wishes of the majority of the well-meaning people of the — A. But my reply to that is this: The people under the direct system would have had either Mr. Roosevelt or Governor Hughes anyway, if they had the nominating power. I believe that both of them would have had a greater majority than they had if they had had the direct nominating power.

Q. Yes.

By Assemblyman PHILLIPS:

Q. Well, another capital example is — of course, it is back farther when we didn't have — when Abraham Lincoln was nominated; if the people had voted directly at that time he could not have been nominated, and they would have taken a man like Seward, who was better known? A. Yes, and Polk could never have been chosen in Missouri. It is because when such men as that once get before the people and they learn of their merits, why then, of course, there can be no question but what the people would see whether they ask for nomination or not, the people would see that they are nominated, and it was said in the first in-

stance before you can find out such men like these that I have mentioned; of course, when they once have been brought out why then there is no question but what the people will see that they will be nominated without effort on their part. They become accidents. Our present Governor, I believe, was a political accident, but now he is a political asset.

Q. Yes. A. And he stands for his party.

Q. He has strengthened his party because he has made a good Governor for the State of Minnesota, and the people believe in him, and of course his party can ask all Republicans — A. I didn't vote for him.

Senator MEADE: Anything further? If not —

Assemblyman PHILLIPS: Well, we are very thankful to you, Mr. Halbert.

JULIUS SCHMAHL, Secretary of State.

By Judge KNAPP:

Q. You are a resident of where? A. Edward Falls, Minn.; Redwood county.

Q. And you have been Secretary of State since when? A. Since January, 1906.

Q. Re-elected in 1908, were you? A. 1908.

Q. You are of Republican party affiliations? A. Absolutely.

Q. And you were re-elected at the same election that the Republican candidate for Governor was defeated? A. Yes, sir.

Q. Now, Mr. Schmahl, you have observed the workings of this primary law in the State of Minnesota, as we assume. Will you briefly describe the methods pursued under it; whether or not it has corrected the evils it was intended to correct; what, if any, are the benefits that have been derived from it, and state generally upon the subject without questioning. A. First, for the benefit of the Committee, let me say that the primary law as it is at the present time, extends to the congressional, judicial, legislative, county, and a certain class of city offices only. The cities of the smaller class are not included in the primary system. I believe in the theory of the primary system as the law is at the present time in the State of Minnesota. I think that it is — in a com-

munication to the governor of this State last winter in reply to one from him, I stated that the great evil of the primary law in the State of Minnesota — and it is an evil in the fact that it permits the members of a minority to participate in and to practically dictate the nominations of the majority party. Sixty-five of the eighty counties in the State of Minnesota are regarded as nominally Republican. I think that my good Democratic friend here will admit that this is practically the case. Ever since the primary law has been put into operation in this State it has been the custom of the minority party to place one, two or three men in nomination for as many offices in these counties, and then have the members of their party step into the booth or into the election stall and ask for a ticket of the majority party, and cast their ballot for the weaker man on the ticket of the majority party. In that letter to the executive of this State I pointed out the way that we were endeavoring to correct that evil. That was, by an amendment in our law requiring that a party in order to maintain its standing as a party in any county of the State and have its nominations placed on the official ballot to be voted on at the November elections must have a certain percentage of the number of votes cast at the preceding election for its candidates for State officers, cast for those candidates at the primary election. Does the Committee understand the proposition?

Senator MEADE: Yes.

The WITNESS: All the Committee understand? We had several bills before the last Legislature. The highest, I think, was the 90 per cent. bill. It was reduced to a 30 per cent. And owing to the various views in the Legislature — first, our Democratic friends were entirely opposed to it. Second, a number of members of both branches of the Legislature of the majority party were opposed to the primary system entirely and the amendments failed. The primary system as it is at the present time, gentlemen, is not the means of getting the best men for the various offices in the Legislature and other places. Our professional and business men absolutely refused, in almost every case, to enter into a contest where they are obliged to pass through a primary and general election contest.

By Senator MEADE:

Q. May I ask you right there if you can suggest any way to remedy that — I don't want to interrupt your line of thought.

A. I prefer to have questions asked me.

Q. That is a very vital proposition, of course, and if you can suggest any way that that evil can be remedied —

By Assemblyman PHILLIPS:

Q. And still retain your direct nomination system? A. I do think this: I think that a 20 or 25 per cent. basis which would keep the members of each party in their own party at the primary contest, would in a measure alleviate that difficulty.

Q. Well, don't you think that that, right there — that if you had a party enrollment that you would prevent in a large degree this objection whereby the members of one party vote at the primary of another party? A. Yes, I understand what you are getting at. Governor Hughes wrote me and stated that the enrollment of the State of New York would overcome the objection that we were making to the proposition that you had down there. I don't think, gentlemen, that is, a State with eighty or eighty-five counties casting their vote in favor of our party that that enrollment would be of any effect whatever.

Q. The man would have to declare himself at the time he enrolled? A. Yes he has to declare; yes Mr. Phillips by stepping up to the board of election booth and stating that he has voted for the majority of the candidates of that party at the recent election.

Q. And there is no way under heavens that you can dispute it?

A. There is no way you can dispute it.

Q. And the enrollment statements; they have to make that declaration at least a year in advance? A. And stand by that party until the next election, is that it?

Q. Yes. A. Very fine, I think, very fine. (Laughter.) I think that is a good proposition. If our friends of the Democratic party will permit that amendment I think we can do business in the State of Minnesota.

By Senator MEADE:

Q. Mr. Schmahl, how would this amendment eliminate the question of a contest by business men and professional men for the nomination within their party? A. The people who are interested in getting the best men for these places have to overcome the objection that the best man of the party is attacked by the members of the minority party going in and voting against him. They are instructed that way.

By Assemblyman CONKLIN:

Q. You understand that under our enrollment system a man does not bind himself at all concerning the general election, with the registration? A. I understand.

Q. He is permitted, if he so desires, to enroll with one party or another, and be at the next primary election, a year hence; he is bound by that declaration; it does not bind him at all at the general election. A. Absolutely, Mr. Conklin, I understand that, yes.

Q. Do you think that would in any sense obviate the difficulty? A. That might do it,

By Assemblyman PHILLIPS:

Q. Well, right there do you think — you wouldn't say that a number of people that are not allied with either of the two great parties who have certain notions of government and certain policies, who might not care, say 25 per cent. of the vote at the preceding election, you wouldn't say that they could not have any place on the official ballot? A. Of their party vote, you mean?

Q. I mean of their party vote? A. Of their party vote.

By Judge KNAPP:

Q. You say that a majority of the legislators were opposed to the amendments and to the primary system in general? A. No, I said a number of members of the majority, of the majority party.

Q. Were opposed to it? A. Yes.

Q. So that these amendments could not be passed, that you speak of? A. Yes.

Q. They were nominated, I suppose, by that system? A. Yes, all of them.

By Assemblyman HOWARD:

Q. Mr. Schmahl, how do you get a place for your candidates upon the primary ticket? A. They filed an application.

Q. I mean the order of them? A. The order?

Q. Yes. A. By the rotating system, a, b, c, d, e; and every other ballot must rotate.

Q. Every other ballot? A. If there are five candidates for the office of county auditor, there are five rotations before Mr. Aldridge gets his name back to the head of that position again.

Q. Why did they change from the alphabetical system to the rotation system? A. Because Mr. A. would invariably be nominated. (Laughter.)

Q. Have you any means of giving anywhere near accurately the per cent. of advantage that Mr. A. had by reason of his procuring a place on the ticket? A. No.

By Judge KNAPP:

Q. Now doesn't that show that the voter actually does not discriminate in the names where he votes, for instance, for the first man? A. That would show that a certain percentage of them certainly did not.

By Assemblyman HOWARD:

Q. Then your system is different from the Iowa system which places one man in the same position on the ballot for one county and the next man, they move him down one, and the next man down still one more, until they get all around that way? A. Ours requires an absolute rotation.

By Judge KNAPP:

Q. Does that increase the cost of printing materials? A. Oh, no.

Q. Done by the machine, is it? A. Well, we have to print more.

By Senator MEADE:

Q. Now you may continue your statement, Mr. Schmahl, further? A. I think that the primary system further keeps the best men from becoming candidates by reason of the extraordinary expense involved. I happen to be a newspaper man, gentlemen; that is my profession. The cost of publishing announcements, giving out literature and incident expenses almost invariably, so far as Senator or a member of the Legislature is concerned, where he has opposition, will involve greater expenditure than what he actually receives as a salary for the session. In a number of counties in the State the newspapers will run from ten to eighteen and even higher. He is obliged to get his announcement in each one of those papers. He is obliged to patronize, practically, every one of the offices in one way or another. He is obliged also to handle his other expenses. Where under the old convention system he would bring up two or three townships, the delegates from two or three townships, make up his combination with the other people as to geographical location and otherwise, and become — and receive the nomination. I know two or three cases in the State of Minnesota where young men as a result of the primary system, have become financially bankrupt.

A VOICE: How about his morals?

The WITNESS: Likewise, too.

By Assemblyman PHILLIPS:

Q. Do you think that, we will say, the men who have been chosen as candidates to the Legislature under the direct primary plan are men of higher character, of standing and ability as a rule, than the men who were chosen under the convention and delegate system? A. Oh, that would be an unfair question, Mr. Phillips; unfair question for me to answer.

By Judge KNAPP:

Q. Generally speaking, not referring to particular instances, whether the personnel has improved under this system? A. Why, I think I can say this: I have been connected with the Legislature in one way and another, have been a member of the Legislature, for a period of twenty-five years. I think that probably

Minnesota has never had so good a Legislature during all my experience, anyway, as the 1901 session, the one which was the result of the convention system and which finally extended the primary system to its present extent.

By Assemblyman CONKLIN:

Q. Are you at all familiar with the conditions in the city of New York — that is, the population and the general conditions there? A. Yes.

Q. Suppose in such a large city as that and a very strong political organization, a machine organization, the leader strongly entrenched with a captain in each district who is held responsible to his wishes; say that he controls the nominating convention. Suppose I am representative to the Legislature of that district; received the nomination from that convention; I desire in the Legislature to conscientiously perform my duty, and there arises an occasion when this leader, supposing him to be not all that he might be, gives an order to vote for or against a certain proposition, and I do not believe it to be for the best interests of my constituents, and I refuse to do it; and the next convention comes around or the next time nomination, I face the probability of being defeated because I have incurred his enmity. Would I not, under the direct primary system, have a better chance to secure renomination than I would under the convention system? A. No.

Q. Would not I have a chance of making a bigger noise over my turn down under the primary system? A. Possibly, but in my mind this is what can be done, just what has been done in the city of St. Paul and the city of Minneapolis; the ward leaders, the district leader, as you might call him, would get and has got out a group of candidates against you, taking particular care to place two or three of those candidates in the precincts where you are strongest. That is done, sir; and that is one of the questions I wanted to ask my young friend, Halbert, and one of the suggestions I wanted to make to him as to Ramsey county, and as to Hennepin county, whether that was not the case. That is absolutely the case.

Mr. HALBERT: Mr. Schmahl, may I ask you a question?

Can you state any instance in Hennepin county when that has been done?

Mr. SCHMAHL: Well, I take Mr. Heffelfinger's word for that.

Mr. HALBERT: Never has been the case in Hennepin county. I would like to answer the question, Mr. Conklin.

Mr. CONKLIN: Yes.

Mr. HALBERT: I differ with you very decidedly. It seems to me his question goes to the seat and pith of the whole primary system — that if a man did not obey the behest of the leader under the convention system he would have to go back, whereas, under the delegate system he would not have to go back?

Mr. SCHMAHL: Precisely, the delegate system — that is what I said; he might have a chance to go back.

Mr. HALBERT: The primary system.

Mr. SCHMAHL: How was Dwinell, the author of the primary law, defeated by Hoffman, Mr. Nolan?

Mr. NOLAN: He was defeated by the overconfidence of the friends of Dwinell; everybody in the district conceded that Dwinell would go back. There was a close fight on between the two from the beginning, the two other candidates for the second place, you might say, on the ticket, and their friends; you see there were two nominated for the Legislature from that district; each party voted for two, and the friends of the other two candidates were so anxious to nominate their candidate that they only voted for one, and the man who was scratched really was Dwinell, when they did not intend to defeat him. That was the overconfidence of his friends. Everybody conceded Dwinell should —

Mr. HALBERT: That is from the defeat, then, of the primary system?

Mr. SCHMAHL: Precisely, we haven't had —

Mr. NOLAN: That was the first trial of the primary system and since through education with conditions of that kind the people have been so educated to that condition in some way that it wouldn't be possible in the city of Minneapolis.

Mr. HALBERT: Mr. Schmahl, may I ask you a question?

Mr. SCHMAHL: Certainly; but if I —

Mr. HALBERT: With regard to the expenses; suppose that the reputable business man had retired from business and was anxious

to do something for his community, and he did not wish to trouble the politicians, under the convention system, could he ever be nominated? A. Much more so than under the primary system as it is at present.

Q. If he was nominated would it cost him more under the convention system than under the primary system? A. It would not.

Q. Would he not have to go under the convention system to go to the different wards and the politicians and the heads of these wards, the heads, the boss, the head of the city if there was one, the bosses, would he not have to get their support before he could be nominated? A. I might ask this, Do you mean to imply that he is purchasing their support?

Q. Would he not have to purchase their support to get it? A. Absolutely no.

Q. Unless he was the only available candidate they had? A. No. I think, Mr. Halbert, that your construction and interpretation of human nature at the present time, rather than the actually existing facts, is what has been the great defect in your determination of the primary law and the convention system. I don't think it exists as you would have it.

Mr. HALBERT: Mr. Schmahl, take an illustration —

Mr. SCHMAHL: I think, pardon me right there — with your permission, if the Committee have no objection, I might as well state — in winding up as to the Republican candidate for Governor at the last election, he made — Mr. Halbert made reference to being susceptible of being the candidate of the —

Mr. HALBERT: I beg your pardon.

Mr. SCHMAHL: Of being susceptible; the people were susceptible that he was the candidate; they were suspicious he was the —

Mr. HALBERT: They were suspicious.

Mr. SCHMAHL: Suspicious.

Mr. HALBERT: I said he was honest and fearless.

Mr. SCHMAHL: All the time, three or four years, that he was a member of the Legislature, he was one of the strongest champions of the county local option system as it is, that has ever been in the Legislature. And he was nominated at the convention by the unanimous vote of the convention. No other — the names of no

other candidates were presented. And the charge that he was very susceptible of being under the influence of those interests or any other corporate interests, to my mind, is decidedly unfair from the young gentleman who has stood for the Republican candidate in this State.

Mr. HALBERT: Gentlemen, I leave that — if you will pardon me — to my man here; I do not think anyone here who heard the statement made would subject that to the misconstruction that I charge that the candidate was in any way under the influence or susceptible of any influence. I said that he was honest and fearless but the people —

Assemblyman PHILLIPS: He said the people were suspicious.

Mr. HALBERT: The people were suspicious of the men, of a great many of the men who nominated him, and that the fact that the convention that nominated him, they thought, was more or less controlled by those elements, although he had fought them constantly through his whole life.

By Judge KNAPP:

Q. So far as that was concerned, you thought the suspicions were wrong? A. I know that they were wrong, absolutely; but I wish to go on record thereon.

Mr. SCHMAHL: Then that is very nice of you.

By Senator MEADE:

Q. What do you say, Mr. Schmahl, as to whether or not the direct primary system has had more or less effect to do away with the party leaders or bosses, so called, and weaken the strength of the party? A. Why, I would say that it has rather increased their power, in fact, gentlemen; that they are able to do — place their various candidates over a particular district and nominate the one they wish to have nominated.

Q. Now, have you any further statement to make, Mr. Schmahl? A. No, that is all.

By Judge KNAPP:

Q. There are some questions as to statistics and so forth that I want. One gentleman referred to that fact that a man seeking

nomination by convention would have to truckle with the politician. Is there, from your observation, any advantage by a candidate personally interviewing voters, shaking hands and treating and going through a lot of performances which he would not do in his ordinary everyday life, in seeking a nomination? A. Oh, he has got to do that. He has got to mix with the people.

Q. They do do it, I suppose? A. Yes, he has got to do it, whether he is before a convention or primary; he has got to.

Q. Now, one thing I want to know is, how is the expense of this primary paid — the public expense? A. The State of Minnesota, so far as the present system is concerned, furnished the election laws and the blanks, involving an expenditure for the 2,858 precincts of the State of about \$8,000. Each county then takes care of its own expenses, such as the holding — the expense of paying the judges and clerks of the board of election and the expense of printing the ballots.

Q. The expense of printing the announcements? A. No, the ballots.

Q. And isn't the advertisement of the candidates in the papers, also? A. Each one of them pays for his own announcements. There is an official publication of the ballots, which is also part of the county expenses.

Q. Have you any means of giving to the Committee the expense to counties in the State; is that expense in any way — A. We have not.

Q. Returned to the Secretary of State? A. No, sir.

Q. So that you haven't any means of knowing practically the expense of conducting a primary election? A. No, sir.

Q. You have how many primaries a year? A. One every two years, except in the cities, of course.

Q. Then one every year? A. No; municipalities like St. Paul hold — St. Paul and Duluth hold, may be, the spring elections; St. Paul has it now.

Q. Well, those localities have two primaries every other year? A. Two primaries every other year; yes, sir.

Q. And have you printed the vote — the statistics of the primary — in the State? A. Congressional,

Q. Only the congressional? A. Only the congressional; that is the only return made to the State.

Q. Can you favor the Committee with that? A. I gave them, you know, a copy of the Blue Book, which contains it.

By Assemblyman PHILLIPS:

Q. In these counties that have the primary election, do they have the same number of officers at the primary election as they do at the general election? A. Three judges and two clerks.

Q. And pay the same amount? A. The same.

Q. What do they pay at the general election? A. You will understand that here, gentlemen, in the State of Minnesota, our primary voting day is the first day for registration. And I fancy that the expense, so far as the salaries of the judges and clerks are concerned, would have to be borne, anyway.

Q. I see. That is, the officers who have charge of the registration also conduct the primaries? A. Also conduct the primaries.

Q. So that there is no increased expense so far as the primary is concerned? A. No.

By Judge KNAPP:

Q. Let me ask if there is any agitation towards the adoption of the blanket ballot at the primaries such as is used in Wisconsin, and eliminating — A. Why, I say no. It has been used in Ohio — that is, allow any one to go and vote for any one they please; is that the blanket?

Q. And they have different columns upon the blanket ballot? A. And if he started on one party he would have to continue down, is that it?

Q. Yes, and vote as they please, I suppose. I don't know about that. A. My impression is on the Wisconsin system that he must continue down the column.

By Senator MEADE:

Q. On the party that he starts with? A. On the party that he starts with; yes.

By Assemblyman PHILLIPS:

Q. Are you familiar with the conditions in the rural districts, Mr. Schmahl? What do you say, for instance, in a senatorial or

a congressional district composed of rural communities and also large centers of population; that is, large villages or cities? Doesn't the direct primary system tend to place the nominations all in the large centers of population? A. Invariably, in the large centers of population; that was the case of Hoffman against Forbes, almost entirely; it placed them — the Senators were thrown in the heavily populated districts. Forbes, yes. I might bring out for the benefit of the Committee (suggested to me by my assistant) also in the Seventeenth legislative district, composed of Lincoln, Long and Medicine counties, the counties of Yellow Medicine and Lincoln have been endeavoring for eight years past to secure the Senator; but Long county, being the dominant county, with the Republicans standing together, has got the position, and the other two counties have practically been disfranchised. Now, under the convention system, Lincoln and Yellow Medicine counties would say, "We will take this," and they would get it.

By Judge KNAPP:

Q. A gentleman here has requested me to ask you to state if, under your suggestion that the candidate of the majority party must have 20 or 25 per cent. of the vote, the candidate of both parties, at the primary, if that would not practically eliminate the minority party? A. No.

Q. Result in that; you think not? A. No. I might say that my friends and I have been figuring that way, more or less, and we are now obtaining offices, and everything we do is with the approval of the other. (Laughter.) The 20 per cent. of the average vote cast for the Democratic party which voted in Redwood county would require, I think, about 160 votes; I estimate **the average Redwood county vote for the Democratic ticket** at the last election was about 800; 20 per cent. would be 160; and my friend, Frank Howard, through his lieutenants down there, gentlemen, can secure over 500 quick. (Laughter.)

Q. You have no limit in the matter of plurality vote; that is, you can nominate on the plurality, whether it is a certain percentage of the vote or not? A. Yes.

A VOICE: One is enough.

Q. In Iowa he must have — per cent. of the vote cast in order to nominate. A. Oh, he has got to run here. Oh, yes, that is what you are required to have in North Dakota, I think. For each of State Senators in North Dakota you have got to have 50 per cent.

Mr. J. P. JONES: May I correct one thing for Hennepin county? Mr. Schmahl has said in his opinion reputable, good business men and professional men did not offer themselves for public office under the primary system. I wish to say that I am very familiar with Hennepin county and that does not apply to Hennepin county, and that statement is not correct.

Assemblyman PHILLIPS: What is Hennepin county, Minneapolis?

Mr. JONES: Minneapolis.

Recess until 2 o' clock P. M.

AFTERNOON SESSION.

W. H. EUSTIS:

By Judge KNAPP:

Q. You were formerly a resident of the State of New York?

A. Yes, sir.

Q. Now a resident of the State of Minnesota? A. Yes, sir.

Q. For how many years? A. I have been here since 1881.

Q. And at one time you were mayor of the city of Minneapolis?

A. Yes, sir.

Q. Have you held other political positions? A. Not very much. I was a Republican candidate for Governor in 1898.

Q. And I suppose, of course, you were familiar with political conditions under the delegate and convention system that existed prior to the adoption of this primary law? A. Yes, sir.

Q. Will you state to the Committee in a general way what evils, if any, were existing or claimed to exist under that system

that caused the enactment of a direct primary law? What was the nature of its agitation? A. What led to the primary law?

Q. Yes. A. Oh, it was a feeling that the people were not taking as much interest as they ought to in the matter of nominations; and that if you could get the people, or a large number of them, to take an interest in the nominations, that it would be better and that you would probably get better nominations. Of course, there is a good deal about the caucus system; the caucus system here was very much different from what it was in New York State — the caucus and convention system. It is a little different from what it was in New York State when I was there, in view of the fact that we had the caucus representation on the basis of the vote; whereas, in New York State it used to be simply representation from the township, regardless of the number of voters. That was the case when I was at Saratoga Springs. I remember when I was in the little town of Malden that Northumberland or something of that kind would counterbalance the vote of Saratoga Springs.

Q. I think it is the general rule in New York now; we have different numbers of delegates from — A. Very different then; you didn't have when I was there. And there was a great deal of sharp dealing; sometimes there was a little sharp practice through the primaries and nominations were made — forced through — very early, calling it rather early or something of that kind; but the great object was getting more people interested in making the nominations.

By Assemblyman CONKLIN:

Q. Were the primaries regulated by law previous to the enactment of the direct primary law? A. I think not; I would not be positive about that. I don't think there were.

A VOICE: There is one story to the effect that all the primaries under the old system and the direct primaries ought to be held at the same time.

A. Well, that came in about the same time with the primaries, didn't it?

Another VOICE: That law was passed in 1897.

A. I am not familiar with the time of these laws, but there was no general legislation on the subject of the caucus until about the time that the primaries came into use.

By Judge KNAPP:

Q. When this primary law was adopted by the Legislature, do you remember whether it was after considerable debate; whether there were strong party lines or otherwise with reference to it?

A. Well, I don't think there was very much. My impression is that it went through without very much discussion at that time. There was some little discussion, but it was not a heated discussion; and I know Dwinell introduced the bill and put it through. He was known to be the author of the bill and then he was defeated at the first election thereafter at the primaries. (Laughter.) He was defeated by doing this; he was one of two; when he was running there were three of them running; one of them made up his mind that he would get the advantage if his friends should all vote for one, so the fellow that did that got in that manner about half of the votes; the third of them didn't vote for two, but only voted for one, and changed the result from what it would have been, providing they had voted for two of them.

Q. Was there a claim made of agitation for the enactment of some law of this character upon the ground that the State was boss-ridden and nominations were dictated? A. No, sir; never had any boss in this State.

Q. I think you concur in that statement with some others who have already mentioned it here. A. Well, we need a boss. (Laughter.) It would be better if we had a boss sometimes, I think; but there is none in this State and has not been since I have been here.

Q. Now, will you state generally to the Committee whether this primary law has corrected any abuses that might have existed under the convention system and in what respect is it better than the caucus system, if any; or how it is? A. Oh, I think it is better than the caucus system as it was run, in view of the fact that it gets a larger number of the people interested than were interested in the caucuses. But it has its drawbacks, like every-

thing else that is human. The first thing under this new system in Minneapolis was the nomination by the Democrats of a Republican candidate for mayor. They simply went right into the caucuses and nominated a mayor for the Republicans. He was a Democrat; formerly had been a Republican, but was a Democrat at the time of the passage of this law; and I think under the first election, and he immediately filed for the Republican nomination and had friends enough, and so he was nominated, much to the chagrin of the Republicans; and having got the nomination on the Republican ticket, the Republican party endorsed him and he was elected. That was the first fruits that we had of it.

Q. That was in Minneapolis? A. That was in Minneapolis, yes. Of course, in the primary system we have had no difficulty so far, the dominant party, in getting people to run for office; but I think in time we are liable to fall down on that subject. People who respect themselves won't run for office and take a chance on the character of the primary fight. It gets to be very intense, and the result is that oftentimes the fight is so bitter between two or three Republicans who run for mayor, for instance, that when the primary election is over the bitterness still remains, and it has been very close and there have been lots of difficulties, things have been said; the fight is just as bitter as it would be between candidates for different parties; furnished ammunition for the opponents; and in our city the Democratic party, being considerably in the minority, they have simply held back and selected some good citizen to run, who has gone into the primaries without opposition. And then after the primaries are over and you have put up some man who has had a red-hot fight in the Republican party against the candidate who has had no fight in his own party; and he uses the arguments that have been used by his opponent in the party fight; and in that way we have lost one or two mayors in Minneapolis — the Republicans have — just on that account, too.

By Senator MEADE:

Q. He uses the arguments of the opponents, of his opponents?

A. Yes, the arguments that the Republicans have used and such others that they can bring; that is the effect on the dominant party;

there isn't any question but what they were otherwise used in the primary.

By Judge KNAPP:

Q. The argument used by his opponent? A. The argument used by his opponent. The fight is just as bitter as it would be between the opposing parties, Democrats and Republicans.

Q. Do you think that that fact that you have spoken of tends in any way toward the disintegration or disruption of the majority? A. It think it has, yes; I don't know that it does so in every State, but it has done so with us.

Q. So that there are factions, named perhaps for the individual who holds to one side or the other? A. Yes, but not so very much as that; we don't go as far as that; but it kind of — it has made us a kind of headless party. You see, anybody can file his — get \$5 or \$10 or whatever it costs; and we have had so many as — for some offices I think we have had as many as twenty different people for the office; some of them no more fit for the office that they filed for than anything you can imagine; that is some of the minor members in the party.

Q. Well, are these people sometimes nominated by this process? A. Well, rarely. I must say that I do think, for instance, on our contract board and upon our board of education, we have got pretty good nominations, although we have had some men, unfit men, have applied or filed for nomination.

Q. No salaries? A. We have no salaries. What we have done in those cases was to take public opinion a little previous to the primaries and in the press and in our meetings kind of center upon some two or three that we would put in. Now, if you have got 15 or 20 of them on your ticket, and you can only nominate three or four, if everybody concentrates and brings them out, why then you are liable to get some party nominations and possibly the best and we can get along as best we can here. In that way we have sort of protected ourselves again.

By Assemblyman PHILLIPS:

Q. Right here, while you are on that point of concentration: How are you going to concentrate the vote where you have a State-

wide primary law to nominate for a State office? A. Well, we have not had any experience on that. We have not got a State law.

By Judge KNAPP:

Q. Well, would you, from your observation of the workings of the system in counties and municipalities, advise and advocate the extension of it to the State officers in this State? A. Not as it exists to-day. If it can be modified and changed somewhat, I think I would.

By Senator MEADE:

Q. What suggestions would you make? A. I don't know. I thought you could give us some good suggestions.

Q. We are looking for information. A. I know that you have been considering the thing and I was in hopes we might get some benefit from your experience and investigations that might help us here, gentlemen. Of course, under this law it is untried —

Q. We will be glad to furnish you with a copy of our report when we have formed it. A. That is very kind.

Judge KNAPP: The report will be made next year.

A. The report will help us very much when we come to pass legislation on the subject.

Q. Most states have asked for it as we have passed through.

By Assemblyman PHILLIPS:

Q. Of course, the real test of any change, as I look at it, any change of a political system of nomination is, first, whether it will produce a more efficient government and a better class of officials than the convention and delegate system. Now, unless it does the question immediately arises, why should you change; that is the question which we are seeking. We have in the State of New York the convention and delegate system. A. Well, I don't think that our nominations have been any better under the primary system than they were under the other system. I don't say it is any worse.

Q. Don't you think there has been any material change in that .

respect? A. Not a particle. I don't think so. I couldn't very well say so, for I was nominated under the old system. (Laughter.)

By Senator MEADE:

Q. That is not the only reason for saying that? A. No. But of course you know how conventions are; and if they are made up of citizens that are having the interests of the public at heart, and you get into a fight and they sometimes pick out some independent man, and when you come before that convention you have good feelings; you don't have the bitter feelings and the factional feelings that we have when we have a primary fight.

By Judge KNAPP:

Q. Well, what about the expense of an individual in conducting a personal campaign for an important office? A. It is just as heavy as it would be if you were going through an election; perhaps more so.

Q. Is it heavier, as a rule, than would be incurred by a candidate under the delegate and convention system? A. Oh, much more; much more.

Q. Speaking campaigns are conducted, I suppose? A. Just exactly the same work.

Q. Newspaper campaigns? A. No.

By Senator MEADE:

Q. It means two elections, does it, Mr. Mayor? A. Absolutely; yes; and the man is tired out on the first.

By Judge KNAPP:

Q. In this State if bitterness has been aroused to such an extent as to dissuade those who are opposed from supporting the man, he has a fierce contest on his hands for the election subsequently? A. Yes.

Q. That is true, isn't it, in your observations? A. Yes, sir.

Q. I didn't mean to interrupt you. A. Two elections. The first election is just as bitter, just as strong as the other, and it leaves a much more bitter feeling and more likely to be factions after the

primary fight than after any convention that I have ever known. I have seen lots of conventions in our — I was nominated in a convention where the fight was quite bitter; there were two or three candidates and the fight was quite strong between them and they turned from both, from all of these, and I was nominated and there was no feeling after the nomination was over with; everybody fell into line and supported the ticket regularly. Now, I think our present Democratic mayor in Minneapolis is due to the fact — I don't think anybody will gainsay — the fact that he was elected by virtue of a fight in the Republican party in the primaries previous to election.

Q. Minneapolis is a Republican city, normally? A. Yes.

Q. On State and national issues? A. Yes.

By Senator MEADE:

Q. About how much, Mr. Mayor? A. Oh, anywhere from 5,000 to 10,000 or 15,000 in the city and county.

By Judge KNAPP:

Q. Have there been contests to any extent in the Democratic party for nomination? A. None at all that I know of. There was a little contest, but not a very bitter one, at the last election, but it never has been a fight such as we have had. And in most of the cases the Democrats don't do that; and the minority party simply picks out somebody they can get signers, any one that is a proper man, and they put him on the ticket and one vote will nominate him just as well as a thousand.

By Assemblyman PHILLIPS:

Q. Then there is not the interest among the voters of the minority party? A. No.

Q. That there is among the voters of the majority party? A. If there were any objection to the regular candidate they run them over to the Republican, don't you see, and they would come into the Republican party and help to make the nomination.

By Judge KNAPP:

Q. For what purpose? What is the purpose of that? A. Well, the purpose of that is this: That, for instance, we had two men running in our city on the Republican ticket; one was Jones and the other was Williams. Williams was much more favorable to the saloon interests than what Jones was; the Democrats, I will suppose, were very largely in favor of nominating Williams, and so they voted the Republican ticket at the primaries in favor of Williams; and came very near nominating him. Then the feeling remained very bitter between the Williams followers and the Jones followers, and the result was that they voted the Democratic ticket. In the meantime the Democrats were running on the ticket, I think, without opposition, substantially. And, for instance, he would probably get about 2,000 or 3,000 in the primaries and perhaps, when he ran at the polls, he would have 20,000.

Q. Williams — perhaps the candidate Williams was a strong candidate — licked a weak candidate for them? A. No. The weak candidate —

Q. You have observed that, perhaps? A. Yes, that's right: get a candidate for defeat, but at the same time if he is not defeated would be more acceptable to them. They have perhaps the two objects — two strings to their bow. Make it easier for the dominant party to defeat and if he is not defeated have one that would be more acceptable to the Democrats on whatever issue they might wish or prefer.

Q. This primary system has been tried here in the nomination of justice of the Supreme Court, has it not? A. I think not.

Q. Doesn't it apply to justices of the Supreme Court?

A VOICE: It doesn't apply to any State officer.

Q. Or to judges?

A VOICE: Nothing above Congressmen.

The WITNESS: Oh, it does apply to district judges.

By Judge KNAPP:

Q. That is what I have in mind. Well, is there any particular scramble for that position, the position of district judge? A. Well, there was quite a goodly number who filed for that. And there

were two or three that were nominated at that time, of nine candidates; fifteen petitions were filed and three that were nominated. The time the Smith family was when Thompson was nominated, I think, there was a man by the name of Smith on the ticket that year who was cheated. (Laughter.)

Q. Do the candidates for judge under those circumstances make this personal campaign that you have spoken about? A. No, not so intense; and I don't know that — I don't think that they have made any campaign that we would call undignified.

Q. How is their campaign conducted; who conducts it? A. Oh, they file; some of them go fishing. (Laughter.) Take their chances. Of course, they come out when we have our meetings and appear before the public and perhaps make a few remarks, but I don't think that they do very much. I didn't see much campaigning on the part of the judges.

By Assemblyman CONKLIN:

Q. At these meetings — do they appear at meetings of their own or at meetings of some of the other candidates for nomination? A. Well, I think meetings of the other candidates.

Q. Well, do they have to align themselves with one faction or the other? A. Oh, no, no, no. The difference is, the precincts held meetings daily and have a meeting for Republican candidates at such a time of a certain section and they will appear there.

Q. All candidates are admitted to such meetings? A. Yes, unless that they are scratched, unless they are excluded; for instance, I know of an instance in the running for mayor, two or three candidates for mayor, why, they would get up a meeting for Jones and one for Williams, perhaps, which would be one for both of them and let them both appear there at the same meeting and then others would come in; but the judges never have been there.

By Judge KNAPP:

Q. Is there any difference in the number of votes received between the head of the ticket and those further down on the ticket?

A. You mean the total number?

Q. Yes. A. That is, the total number as cast for that office?

Q. At the primary it is the head of the ticket. Does he generally receive more votes than the ones down further on the minor — A. Yes, I think he does. That is, you mean for the same office?

Q. Well, for the different offices, where, for instance, there is a contest for mayor and a contest perhaps for councilman? A. Yes.

A VOICE: It is hard to tell which is the head of the ticket, because the names are rotated.

The WITNESS: The number received.

Q. In that rotation aren't they kept under the different offices? A. Yes.

Q. So the candidates are kept under one head, is that right? A. Yes.

Q. And then the candidates for some other office are under some other proper head? A. Yes.

By Assemblyman PHILLIPS:

Q. The number which is on the ticket? A. Why, they go right down through and vote for somebody on the entire ticket.

Q. Isn't it your experience that voters frequently vote for the man at the head of the ticket and omit voting for anybody else or a good many of them, at any rate? A. Yes, no doubt about that.

Q. So the higher officers receive in that way more votes, as a rule, than those that are voted — A. They do that at the elections; yes, that is done. Take that State ticket at the general election; that always occurs.

Q. Do you have a circle and emblem here, in your State, so that a man votes a straight ticket by marking it at the head? A. No.

Q. He has to mark each individual candidate? A. Yes.

Q. You say the experience is there that the men who are first upon the ticket get the largest vote always? A. Yes.

Q. Is that by accident or design? A. Oh, I presume it is —

Q. Or ignorance? A. It is a little bit of both — carelessness — all combined, which is human nature.

Q. You couldn't balance the ticket? A. Yes.

Q. And there is no way in which you can concentrate them both in the small rural communities as against the large cities in that district? A. I think that would be true.

Q. Whereas, under the convention and delegate system the smallest communities are sometimes given a place on the ticket? A. You take our State, for instance; it is twice as large as the State of New York in territory; I believe twice as large; of course, don't begin to have the population that you have in a county; but in some of those counties there is an immense territory there.

Q. Our vote last fall was 1,700,000. A. Ours probably a quarter of a million.

By Senator MEADE:

Q. Mr. Mayor, you are familiar, no doubt, with the conditions in New York city? A. Somewhat; I was at school in New York city.

Q. Your million population and its diversified classes; what would you say as to the practicability of the direct primary law in a city of that size, taking everything into consideration? A. Oh, I don't know; I don't know. Things have changed a good deal since I was in New York; and you have so many Italians and you've so many — certain people — there, I don't know, I am sure.

Q. From what you have seen what would be your judgment with the class of people added? A. Of course, your convention system and caucus system in New York is bad. (Laughter.) That is one-man power all right and can be made so, the old system; and whether the primary system will be an improvement on it there, with that seething, congested condition of mankind there, I don't know.

By Assemblyman CONKLIN:

Q. A man doesn't know his next-door neighbor and live beside him for two or three years in the same apartment house, and never know what his name is.

By Senator MEADE:

Q. Do you think it would be good or bad, Mr. Mayor? A. Well, from what I know of the workings of the primary law here and what I know of conditions in New York as they existed when I was there, I am inclined to think you would get better results in the class of nominations under the convention system than you would under the primary system in New York city.

Senator MEADE: Any further questions by any member of the Committee or the counsel?

The WITNESS: Of course, the government of New York has got to be confined to a certain class of people, a certain class of people who take an interest in politics.

Q. You do believe in a representative republican form of government, do you? A. I do.

Q. Rather than a pure democracy? A. Oh, you've got to; that is practical; pure democracy is not practical; that is theory. It is a condition and not a theory, as a distinguished New Yorker has said.

Q. Theory and not a condition, you mean to say? A. Yes.

Judge KNAPP: I have nothing further to ask.

Senator MEADE: Only we wish to thank the mayor for his effort in coming down here.

Mr. EUSTIS: I am very glad to meet my friends from New York State always.

Judge KNAPP: We will be very glad to see you down there.

STILES P. JONES:

By Judge KNAPP:

Q. Where do you live, Mr. Jones? A. Minneapolis.

Q. What is your occupation? A. Well, for a great many years I was a cross between a combination of a farmer and a newspaper man. The last six years I am a combination of a farmer and the executive secretary and executive agent of the Voters' League of Minneapolis, an organization which devotes its time, energy and talent to the selection, bringing out the nomination and election of better men for city council and the board of county commissioners and in educating the Minneapolis public on men and measures.

Q. Is that non-partisan? A. That is a non-partisan organization.

Q. Your political affiliations are what? A. My original political affiliations were Republican.

Q. Now, you say the work of this Voters' League is to instruct voters and also to make suggestions as to nominations and candidates for nomination? A. Instruct the voters for nomination and the election and to educate the public as to measures, local measures.

Q. Well, does this Voters' League attempt to select nominees for particular offices? A. It does under certain circumstances.

Q. How large an institution is it? A. Well, now that will be hard to say. Its original, its so-called advisory committee, that is, five members — business and professional men — were the original sponsors and backers of the movement. It has other committees that confer with the executive committee, and there is a membership, called an associate membership, of about 500.

Q. Prior to the filing of nomination papers and applications for nominations does this league or any committee of the league get together and consider the availability of men for particular offices? A. Yes, it has meetings very frequently during the campaign two or three or four or five times a year.

Q. Before the papers are actually filed? A. Oh, yes; it is working all the while; doesn't stop at all.

Q. And then does it suggest to those men that they become candidates? A. In certain wards it helps to bring out candidates.

Q. Why do the Voters' League do that kind of work, because it — A. Necessity of the case.

Q. Because the applicants themselves are sometimes not worthy? A. Yes.

Q. I see. A. The organization is not satisfied to merely choose between the men presented by the parties, and the men who present themselves. It seeks in — not in most cases. Those are the exceptional cases where the organization seeks out the men.

Q. It does seek, then, to a certain extent to suggest or dictate nominations for particular offices? A. Nominations and elections both. Yes, that is it; puts the facts before the public regarding

the qualifications of the candidates. And in addition to that when proper candidates in its judgment do not present themselves within a certain time, it goes into that locality, that commissioner district, or that ward, and seeks to secure a man who does meet its ideas of the qualifications of a candidate.

Q. And they do seek to select candidates for both parties?

A. Yes.

Q. And the candidates selected, I suppose, by this Voters' League would be supported, naturally, by the Voters' League at the primary election, and if nominated at the primaries? How does that work — that is, between the two parties? A. Well, both parties complain; that is the organizations of both parties complain — I would say it was about a set-off as to parties with us.

Q. That is, both parties complain of their experience? A. The Democrats claim it is a Republican organization and the Republicans claim it is busting up the Republican organization.

Q. Is there any truth to the claim? A. Oh, I think that the league has worked to some extent to break up and confuse the party organizations locally — but not intentionally. It has men of both political parties on its executive committee.

Q. They do not organize any party in municipal affairs? A. No; absolutely not.

Q. Is your activity confined to municipal affairs entirely, or does it go into county affairs? A. County commissioners. We elect five county commissioners to run the affairs of the county and outside of the city. I should say, I think, four are from the city — different districts.

Q. Is that office somewhat similar to our board of supervisors?

A. Board of supervisors of New York? Practically the same duties only fewer of them.

Q. Has this organization come into existence since the enactment of the primary law? A. Yes.

Q. How long has it been in existence? A. Six years.

Q. And you say necessity suggested or compelled the organization of some such society or political organization? A. Yes, the local situation.

Q. Were you not getting satisfactory results under the pri-

mary law? A. Well, I would say that we had not had satisfactory results for a good many years under both systems.

Q. There was no such organization prior to the enactment of the primary law? A. No; there would not have been, for the reason that the large part of the effectiveness of the Voters' League of Minneapolis is due to the fact that it has two whacks at the public, at the primaries and at the elections.

By Assemblyman PHILLIPS:

Q. Right there, assuming that your Voters' League — what party primary do you vote in, both of them? A. Well, we don't vote in any, only as individuals. We simply recommend to the Democrats the selection of such and such a candidate and to the Republicans the selection of such and such a candidate, as against the others.

Q. Now we will assume that the Republicans follow your suggestion and take up your recommendations to a certain extent? A. Yes.

Q. Then you go into the primary and support that man? A. Well, now, I don't know as —

Q. Assuming that your Voters' League, we will say, has suggested to the Republican organization of the city of Minneapolis the name of John Brown for mayor, and John Brown becomes a candidate? A. Well, we don't select — we don't suggest anybody to the organization.

Q. But you suggest to the — to the public, of course? A. After the selections have been made and one week before the primary elections we make a report to the public, in which we recommend certain things.

Q. That the Republican electors vote for a certain man? A. And also the Democratic.

Q. I see. And the Voters' League then hasn't any part in the primary then, except — A. Except as individuals and we individually vote, that is all; the same as everybody else, but we recommend certain nominations, Republican and Democratic.

Q. Suppose your recommendations to those who were to take part in that primary — your recommendations are not adopted by a majority of the electors, we will say, of either the Republican

take their places, their names being suggested to the advisory committee by the executive committee.

Q. The advisory committee would not have to follow those conditions? A. They would not have to.

Q. Who selects the advisory committee? A. The advisory committee? It originally selected a committee of some ten public-spirited men who got together and started the movement. A. And got together the first five men who they thought were right and in whom the public had confidence and who would stay right, and that is the organization.

Q. When there is a vacancy in your advisory committee, how is that filled? A. Those are filled — there are frequent vacancies.

Q. By whom? A. Men, including —

Q. By the balance of the advisory committee? A. Yes; they are suggested by the executive committee to the balance of the advisory committee. There is occasionally a man in the advisory committee that does not agree with the policy of the organization and he retires and drops out. He either thinks that we are not partisan enough or that we have trod on the toes of some friend of his; or some other way he is not in sympathy with the movement and drops out; a few have.

By Judge KNAPP:

Q. Your committee, or the members of your advisory committee, are not then selected by a direct vote of the people? A. Oh, no; this is a self-constituted body entirely.

Q. A voluntary organization? A. We do not pretend to represent anybody except ourselves. We simply find out these things on the theory that if the public have confidence in the men signing these reports and the facts show that we are acting fairly as between parties and between individuals, that the public will support us, as it has done. Now, I should say this, gentlemen — let me just suggest myself: The political situation in Minneapolis has not been brought out clearly hitherto. Mr. Eustis spoke — brought out the facts that Mayor Jones was beaten on account of bitterness in the Republican party engendered by primary election fights. Now, the history of the politics of Minneapolis is this: The political situation, with two exceptions — no mayor has held

office more than one consecutive term; while Minneapolis is a Republican city by 10,000, 12,000 or 14,000 people, no mayor — it is not a Republican city. I don't care under what system it is; you can go back twenty-years to the old convention system and come right down through with two exceptions; no mayor ever succeeded himself; and one of those exceptions is the present mayor; the other is Mr. Pratt; Mr. Forbes, here, he is the present mayor, was one term only; two years and a Republican the next two years. That was under the two systems, the primary system and the convention system. One is the county officer and the other the city officers. With the exception of that two years and the Democrats' three, I suppose in twenty years, we are overwhelmingly Republican in every election. That simply shows that the mayoralty contests are fair in Minneapolis on local issues.

By Judge KNAPP:

Q. Your observations in regard to the primary act in operation in this State since 1901, are they influenced to any extent by the municipal conditions in the city of Minneapolis? That is — A. I don't know as I quite understand.

Q. Well, I don't suppose this law does not extend — is not a State-wide primary? A. No.

Q. But does include county officers? A. Yes.

Q. And Congressional terms? A. Yes.

Q. The Committee is anxious to know what observation you have had, if any, as to the working of the system outside of, we will say, of strictly municipal officers? A. Well, now, I ought not to say much on that because my specialty before I took up this other work. I was secretary to Mayor Jones in his first term. I was engaged in newspaper work before that with State politics my specialty, somewhat in State politics, but I don't feel like speaking much for the conflicts in the State. Now, speaking for Minneapolis county and city, I can say this, I don't believe that it is fair to take my testimony, or anybody's testimony, as to whether we have had better men under the new conditions or worse than under the old system, for the reason that we cannot consider men as good or bad except from a personal point of

view. I myself believe that we have just as good or better men under the new system. Others disagree with me. But we would not agree on who the good men or who the bad men were. I don't regard any testimony along that line to me personally as of any value. I don't care who is upon this board and who is upon that board. I probably know the candidates in any movement better than any living man knows them, and I will say this, that going back twenty-five years, the members of the city council in the city of Minneapolis — I've known them all my life, personally; members of the Legislature; and I wouldn't want to go on record as saying absolutely that men under one system are better than they were under the other system; and I wouldn't regard of any value any man who did make that statement.

Q. Well, what I'm getting at is this, your Voters' League was organized for one purpose, at any rate, to select better candidates for office than had been previously selected? A. That is one of the reasons.

Q. And you think the Voters' League has accomplished something in that line? A. Yes, sir, I do.

Q. So that in the absence of the Voters' League and the work that they do, which is independent of the law, the delegate and convention system or the primary system was not selecting suitable candidates entirely? A. It was not, I contended.

Q. That was the argument, I suppose, used in the beginning? A. That was one of the two objects in the beginning. For a good many years I attended the conventions, our city convention, and I know what the old delegate and convention system was in Hennepin county thoroughly.

By Assemblyman PHILLIPS:

Q. Was it regulated by statute at all, your primaries prior — A. No, in those days they were not.

Mr. EUSTIS: The primaries were open from 8 o'clock.

The WITNESS: Yes, if they thought best —

Q. But no legalized primary officers? A. No. I should say this exactly, that I believe that the value of the work of my organization and the chief value of the work of direct primary is not in getting this man as against the other man, the office,

If you had three they would have three times the interest they take in this. A. I don't think any system, direct primary or any other political system that is not inherently educational in its methods, is of any account politically. I believe that the glory of the direct primary system — it is not in getting good men, or that good men are in the majority or better men than you had before, but in the way it is educating the people in practical citizenship. Now that is my view of the primary system. I would myself extend it to the State if I were a Nero and this a Rome. (Laughter.)

By Assemblyman HOWARD:

Q. Let me ask you, Mr. Jones, the figures that you prepared for the Citizens' Union and that were submitted to our judiciary committee last winter, took in all the voters or simply the voters of one party? A. Well, my recollection is I took in all the voters of both parties.

Q. So that your figures covered all political parties? A. Yes.

By Assemblyman PHILLIPS:

Q. Aside from a certain participation of the voters in the Democratic party, as I remember.

By Assemblyman HOWARD:

Q. Now, is it or is it not a fact in your State here that the majority party primaries have increased quite largely in attendance and the minority party primary has not shown any marked change? A. Well, I couldn't answer that absolutely; I wouldn't be surprised if that were so, although I couldn't answer it.

Q. Now, isn't that due to the fact to some extent, at least, that members of minority parties are indifferent or do take part in the primaries of the majority party. A. There is no doubt about that whatever. I wish it were not so, but it is. There are Democrats who vote for Republicans in many primaries and vice versa.

By Senator MEADE:

Q. Do you know of any way that can be stopped; just — A. Just a moment — now one reason of that is this; take it in the

David P. Jones campaign for mayor there were a large number of Democrats desired Jones for mayor. Now there was a class raised by the name of Mr. Hugh J. Williams; they didn't want Williams under any circumstances, they wanted Jones for mayor, and they therefore went into the Republican primaries there and sent out a number of voters that beat that election.

Mr. EUSTIS: The Democrats wanted Jones.

A. The Democrats wanted Williams, the Democratic party; the temperance element wanted Jones and went right in openly; George Tracey and some of the other men wanted Williams, and they went to the —

By Assemblyman PHILLIPS:

Q. I suppose they all voted the Republican ticket? A. Bitterness engendered among them in those contests at times undoubtedly has been a factor in the final result at the election; I will admit that.

By Judge KNAPP:

Q. What I wanted to get at —

By Senator MEADE:

Q. One moment, Judge. What would you suggest, if anything, to cure that defect? A. Well, now we are getting back to the main question; I don't know that I can. I personally do not look upon the direct primaries as a finality in municipal affairs. I believe it is only a step in the right direction. I should like to see the day when we will have but one election, nomination and election will be in one election, a preferential system, as it were, and entirely non-partisan. That is what I hope to see myself and my own view is that the direct primaries is a step in that direction municipally.

By Judge KNAPP:

Q. You mean in municipal affairs? A. In municipal affairs.
Q. How about county and State affairs? A. Also county af-

fairs. I wouldn't want to speak for the State at this time. Of course that is —

Q. For instance, this with reference to the State, you wouldn't want to put that in a single election? A. I don't know whether I would want to state at this time because I have nothing to do with that.

By Assemblyman PHILLIPS:

Q. Do you believe in the initiative, referendum and recall? A. I believe it is the only salvation of our cities.

Q. And the direct nomination and direct election of United States Senators? A. Yes.

By Senator MEADE:

Q. You think that direct nomination is the one important step in securing initiative and referendum and recall? A. I think it is the most important step to be worked for in politics, municipal and State, and that everything else is boy's play in comparison.

Q. That is to secure those who are — A. Correct legislation.

By Assemblyman PHILLIPS:

Q. That absolutely destroys a republican government, does it not? A. I don't think it absolutely destroys it. I think it will make the representatives directly responsible to the people and make it a people's government —

Q. Then why these representatives — if the people pass the legislation directly; you might just as well abolish your representatives? A. No, I don't think so.

By Judge KNAPP:

Q. You don't believe in party government by parties, then, and the responsibility of nominees to parties, and of the parties to the people? A. Why, I don't believe I do. (Laughter.) I am not a party man any more.

Q. You don't regard yourself as a party man, then? A. I am not a party man.

Q. Then do you participate in these primaries on the Republi-

can or Democratic ticket? A. I have, assuredly; I voted in the Republican primaries; I've never tried Democratic primaries, whether I voted the Democratic ticket in the preceding election or not. (Laughter.)

Q. There is one thing I want to get, Mr. Jones, with reference to your report which I think is not quite clear upon. It dealt simply with the figures as they were disclosed in the primary; the total vote, for instance, in the Republican primary; the total vote for a Republican party ticket you calculated as a percentage of the total vote and the same with reference with the Democratic primary, is that correct? A. Why, I think so; I did not keep a list of figures, but I got something.

Q. So that if any large number of Democrats vote in the Republican primary ticket then your report would not be correct in showing the percentage of the Republican electorate that participated in the Republican primary. A. Well, now when I speak of the percentage it is possible that those figures show the percentage of the registered vote.

Q. Of any vote? A. Yes, the registered vote, that is, the votes, that is, you couldn't distinguish —

Q. Is there any place that you can get the vote by the primary, say the last primary, 1908, and the vote in the general election, and make a comparison? A. The 1909 Blaine primary, some figures, I think, about that primary.

Secretary of State SCHMAHL: They give you figures for the Congressional primary.

Judge KNAPP: In the Congressional primary for the next year and the elections, so that we can make a comparison.

Secretary of State SCHMAHL: Yes.

The WITNESS: I think I want to offer one more thing of my own volition that Mr. Eustis has spoken of in his report, the expenses under the primary system. Now many of the candidates have made their primary campaign very expensive, but I do not say that there are others — I do not admit at this time that it is absolutely necessary; I do not admit that the men who spent the most money were the men nominated. I recall an instance in the ward last fall a man was a candidate, brought out by the primary system. He had no money. He borrowed twenty-five

buy a suit of clothes and make himself presentable for the campaign and a friend paid ten dollars filing fee. That man was nominated and elected. He had no funds, he had no breweries or corporations or contractors to go to because he was on the other side. He was nominated, and although a Democrat elected in a strong Republican ward. He did not have the money.

By Assemblyman PHILLIPS:

Q. You say a Democrat, and he was elected there? A. He was a Democrat.

Q. Elected in a strong Republican ward?

By Mr. EUSTIS:

Q. Wasn't that due to an intense primary fight between two Republican candidates in the ward? A. Yes; well, also to the fact that a good many of them considered him a better man.

Q. Then he would not have been elected? A. He would not have been elected; they had a fight. It will never happen again to him.

By Assemblyman PHILLIPS:

Q. The electors of the party, then, do not feel themselves bound by the results of the primary if their man happens to run; then they vote for the opponent on the other party ticket? A. Not at all. Not at all. The direct primary is thoroughly demoralizing to both parties.

Mr. EUSTIS: If, gentlemen, the primary is demoralizing to the Republican party so that they can take up an unknown man and elect a man on the Democratic ticket by beating the primary candidate in an overwhelming Republican ward, it shows how bitter and intense the nominating fight was.

By Judge KNAPP:

Q. Your judgment is that direct primary does demoralize both parties? A. Yes; especially the dominant party; and makes strongly for independent voting on local issues.

Q. You think that is a good thing, do you? A. Why myself and my organization do.

Q. That is one of the reasons you advocate it? A. Yes, we find in our work in the city of Minneapolis there isn't any partisanship in the city council.

By Senator MEADE:

Q. This man that you spoke of a little while ago, that they assisted, picked up, and that you had to buy a suit of clothes to make him presentable? A. I didn't say he had to buy a suit of clothes.

Q. Well, some — A. I say a friend of his wanted him to be presentable and he bought a suit of clothes for him.

Q. What was his business? A. I should be identifying the man (laughter), of course, if I say that he was a man who was vouched for publicly by the president of the University of Minnesota and many others — he has a high sense of honor; he was not a money maker.

Q. I wouldn't have asked the question — I supposed that when you were presenting the instance that you were willing to identify him, and I asked the question? A. There was another — two years ago there was another — he has been identified so, I guess — two years ago there was another — there was an instance of one who was a candidate and was elected for alderman in Minneapolis who would not have been a candidate except from the fact that our organization urged him to come in. He was nominated and elected. He had no money. He couldn't make any campaign. It was the personal work, work of his friends.

By Assemblyman HOWARD:

Q. Mr. Jones, if the direct primary is intended to and does destroy party organization and is a good thing to prevent individual members of that party from dictating nominations, what distinction do you draw between an executive committee of your organization and the executive committee of the Democratic party dictating and succeeding in nominating men, if possible? A. Well, I don't think we have tried to draw distinctions. We don't pride ourselves on our logicalness, or on being consistent, or anything else. What we do is a public duty. The men who constitute that executive committee are men of very large affairs, most of them.

By Senator MEADE:

Q. How many do you say in your executive committee?

A. Eleven members; large business men, men of large experience. They take charge of time that is worth hundreds of dollars that they give to this work; they do it from a sense of their public duty.

By Assemblyman HOWARD:

Q. Isn't it true, Mr. Jones, that many a man in politics who has been denominated a boss or a leader, has never had political office and has done it for the love of the game? A. Oh, undoubtedly so.

Q. And for the good of the community? A. Oh, undoubtedly so. I suppose he thinks he is working for the good of the community; sometimes they are.

By Chairman MEADE:

Q. Wouldn't that executive committee of your association like to name the various candidates for the city of Minneapolis?

A. Outside of their present scope, you mean?

Q. Wouldn't they like to, if they could say who should be —

A. No. No, we —

Q. The mayor of Minneapolis? A. No. We have been asked to get into that fight; take part in it. We have been urged and implored for years to get into the legislative primary fight but we will not assume any more responsibility. We dislike to go in any ward and select a candidate or urge a candidate; we do not want to do it. We simply want to advise the public as between the candidates who present themselves, or are presented by the parties, and prefer to keep out of that.

Q. And if you people don't think that the primary candidates are desirable you try to get one out against them; that is the idea?

A. We try to get one, anyway. We try to see before the primaries that there is at least one reputable man on each ticket in each ward.

Q. And that is determined by your executive committee of eleven? A. Yes.

By Judge KNAPP:

Q. Just one thing with reference to your aldermen; I suppose they participate in the administration of the affairs of the city and in the expenditure of a very large amount of money? A. I should say that the reason of our organization, fundamentally, is this: That the city of Minneapolis is a council governed city of a more exaggerated type than any city in the United States, or, perhaps, in the world, with the exception of the English cities, perhaps, and all — they are both legislative and administrative; the mayor is a figurehead — although our friend Eustis did not allow himself to be a figurehead — as most of them are. The county commissioners have spent the rest of the money under their jurisdiction. Those two bodies — through these two bodies go the expenditures of the city of Minneapolis and the county of Hennepin, and the council is almost wholly responsible for the money of the government of Minneapolis outside of the conduct of the police department; so that is the reason why we lay the emphasis on that work.

By Judge KNAPP:

Q. Now, what I want to get at is this: You spoke of candidates who were not able to pay the ten dollar filing fee? A. Oh, that was this instance.

Q. I am not referring to the individual, but a man in the management of your own personal large business affairs seeking men who were so totally unsuccessful in their own affairs as might be indicated by such — A. Now you have struck a sensitive situation there. My experience in the city council has been that the worst fellows we have had have been big business men.

Q. Men that have been the greatest successes in their business? A. Men that have been the greatest successes in their business have been some of the worst fellows we have had in the city council of Minneapolis, and some men who have had no money and had a suit of clothes have been valuable city officials.

Q. Well that might happen. A. Yes, you will have both kinds.

Q. Your association, the Voters' League, never suggests to the successful candidate, if he happens to be one of your choosing, the selection of any of his appointees or any public servants that

may come under the appointive system? A. As a rule we do not. We made an exception this last fall following the campaign. We made a fight against the retention of three or four heads of departments and used our efforts with our friends in the council to prevent their re-election by the council, and the selection of new men. We did not have new men; we said we were knockers and not boosters, because we protested against the retention of some three or four heads of departments here in Minneapolis, and succeeded in having them —

Mr. EUSTIS: I would like to ask just one question and that is about the matter of expense connected with this office. Now, about the expense of the nomination of a mayor under the primary or under the old system? A. I think it has been far more expensive.

Q. Under the primary? A. Why, it has been a fight —

Q. Well, you know you were in the fight.

By Judge KNAPP:

Q. Can you give us any idea as to what the expense has been?

A. No.

Q. In the different campaigns? A. No.

By Assemblyman PHILLIPS:

Q. Anything further? A. No, except this: Finally, I want to say as I have emphasized before in the first part of my testimony, the chief value of the primary comes from its educational work that the practical citizens get in making themselves acquainted with the affairs of government and arousing their alert interest. That is my idea of the best workings of the primary system.

By Judge KNAPP:

Q. Mr. Jones, you formerly lived in New York State, did you?

A. Yes — no, I formerly lived in Binghamton, N. Y.; that is really my home now.

Q. Are you familiar with that somewhat? A. Familiar with New York State politics now and have been a great many years; cast my first vote in New York.

Q. Now in view of what you have said with reference to the Minnesota condition, do you want to make any qualifications so far as the application of these principles to New York policies is concerned? A. I don't think that I would. I think I would admit this that you've got a harder proposition in New York than we have here. The character of your foreign vote is entirely different from ours and the problems of your large cities are far more complicated than are ours here. Outside of those large cities, outside of Buffalo and New York city, I would think that there was not so great a difference between the two.

Q. What is the percentage of your illiteracy in this State? A. I don't know, but it is small, but our foreigners are largely Scandinavians and they are high class citizens.

By Secretary of State SCHMAHL:

Q. How about the first ward of Minneapolis? A. The first ward —we have many kinds there; mostly Irish; our foreign wards do just as well in this matter — in the matter of selecting men for the council.

By Assemblyman PHILLIPS:

Q. Do you know anything about the Buffalo primary system? A. Why, I have read it, but I don't remember much about it; I have no practical knowledge. I spent some two or three days in Buffalo two years ago investigating affairs there just at that time, but I don't remember.

JOHN E. KRING, State Librarian.

By Judge KNAPP:

Q. Where is your legal residence? A. Red Lake Falls, Minnesota.

Q. In Red Lake county? A. Yes.

Q. And is that a rural county? A. It is; it has no large city. The largest town is probably 35,000.

Q. You are the State Librarian of Minnesota? A. Yes, sir.

Q. And have an official residence here in St. Paul? A. Yes, sir.

Q. Is the office an appointive or an elective office?
A. Appointive.

Q. Appointed by the present Governor? A. Yes, sir.

Q. So I take it that your political affiliations are Democratic?
A. Yes, sir; they are.

Q. Is that the general method of selecting appointments, the political affiliations of the administration? A. It is generally; in this State the appointments of Governor Johnson may have been not all Democrats.

Q. Largely so? A. Largely so, I should say; perhaps eight-tenths of them.

Q. How long have you served in the capacity of State Librarian? A. Nearly five years.

Q. Your party in your legal residence, Red Lake county; is it in the minority or majority? A. That is a hard question to answer. The parties have been bobbing back and forth so much there. In the past eleven or twelve years it was one of the strongest Populistic counties in the State; the only Farmers' Alliance candidate had about twelve or fifteen majority in that city and Governor Lind, at the time, who was elected, I think, had something over a thousand.

Q. He was a Populist? A. The Populist supported him. He was a Democrat and the Populist candidate at the time. The next election Governor Fisher carried the county by about 300.

Q. What was he, a Democrat? A. He was a Republican. Since then Governor Johnson has carried it — the first time by a very small majority, and the last two times, once by over a thousand and the last time by approximately four hundred.

Q. On national affairs how have they voted? A. It has been Republican the last two times. Mr. Bryan carried it in 1896 by 900.

Q. So that you really have two parties there that are somewhat equally divided? A. Well, I should say at present that the county is Republican by about 600.

Q. But there is a strong minority party? A. Yes, a strong Democratic organization.

Q. On the operation of this direct primary are nominations made upon both tickets as a rule in which there are contests?
A. Yes, we usually have a full ticket on both sides.

Q. So that you have contests for most of the offices on both sides? A. Yes.

Q. Now, under such circumstances, do you think that members of one party participate in the primary of the other? A. To some extent on our county matters; congressionally we never have any opposition; the Republican candidate in that district — in the primaries for the last six years there were a lot of personal friends of candidates for county offices naturally come in and vote the other ticket to help their friends along; there has never been any concerted effort to vote any large percentage of either party in this other party except as the individuals moved.

Q. Well, a man cannot vote for candidates on the different tickets, can he? A. No, but he will go in, and supposing a man has a friend running for register of votes on the Republican ticket and this friend is a Democrat; well, he will come in and vote the Republican primary ticket simply because he wants to vote for register of votes; especially where he is not interested in the rest of the ticket particularly.

Q. That is so in most primaries here? A. Yes, I think there has been more of that — this crossing never has been caused by that, especially in county affairs. I don't believe that the minority party as a party has endeavored to secure any large block of votes for a weak Republican candidate out in the country particularly. I am not familiar with the conditions in the city. I know of one instance in the second Congressional district; there were, three years ago, two candidates for Congressman; one of them was a stand patter and the other was for tariff revision downward. The stand patter had been in Congress twelve years and he had been decidedly cockey; he felt that he was going to get the nomination and election anyway, and that he could run on any sort of a platform; so he openly avowed in all of his meetings that he was for tariff revision, and he wanted it revised upward, that rates were too low, and the Democrats in that district, we knew quite a good many of them in the northern part of the district who were friends of Congressman Cleary, and other tariff trimmers, went in and voted for McNeil. In the southern part of the district a great many voters voted for his opponent simply because the Democratic organization is very weak in all

these counties and there was no contest for county officers and none on the Democratic nomination for Congress. And they went to smash playing against the other, so I think it is pretty hard to say as to who benefitted as the result of the Democratic fight there.

Q. Do you regard that as a good or bad feature of the law that permits that? A. Why, I think it is a bad feature. I don't like that. I think if a man is interested in the success of his party he ought to keep out of the primary of the other, but under our present system it is impossible to do it.

Q. Do you believe in the government of State and national affairs by parties? A. Yes, I do, to a certain extent. I believe that every citizen ought to belong to a party, and I do not think he ought to be with his party, right or wrong, or anything of that kind.

Q. Have you any suggestion to make as to how that defect can be cured? A. No, I have not. It is pretty hard to cure a defect of that nature. The average man rebels against the idea that anybody has authority to ask him what ticket he is going to vote, or what party he has affiliated with, and there is a large body of independent men in Minnesota that would be barred from the primaries under any rule compelling a thing of that kind.

Q. Well, you have to ask for the ticket of the one party or the other when you go into the primary? A. Yes.

Q. Is there any objection on the part of these self-same citizens to do that in asking for a ticket, Republican or Democratic? A. There is some. I imagine there are a good many people, a good many voters in this State, who vote at the primaries for the reason that they don't divulge — they can select one of the ballots now; as a matter of fact, they don't care much about either party and would like to choose the candidates simply on the merits of the candidates.

Q. So as to vote at the election? A. Yes, and feel as though they had a right in the selection of the candidate for office.

By Assemblyman PHILLIPS:

Q. Do you think, Mr. Kring, a man who is so timid about expressing his party affiliations should be permitted to vote in any

party primary? A. Well, that is a question of ethics. I don't know. I don't think that I would or did not feel that I belonged to the party. I don't believe that I would ask for a ballot of either party, personally. That is largely a matter of a man's judgment of what is right.

By Judge KNAPP:

Q. The distinction is simply then, is it not, as to whether nominations shall be made by parties in any respect, or made by individuals? A. Yes.

Q. Or the people, as suggested? A. Yes.

Q. If party tickets are to be retained and the persons successful on these tickets are to be regarded as the party nominees why then those who are members of that party ought to participate? A. Yes, that is true. And yet, I think every man has the right to express himself as to who should be a candidate for office. If he is to wait until after the primary then he has got to take somebody that the rest of the people have picked out for him, and who is not his choice in the first instance.

Q. Then, if he has that right, of course, we must do away with the party system absolutely? A. Yes, to a certain extent.

Assemblyman PHILLIPS: Not necessarily; he can form a party. (Laughter.)

By Judge KNAPP:

Q. You can make another party into which he can put his own principles. I do not know that you have had any experience in the formation of independent parties for the purpose of — A. Oh, yes, we have had a great many in Minnesota. We've had independent parties — the Populist party that came very near carrying the State.

Q. How long ago? A. In two or three elections; twelve or fourteen years ago. They were the second party in the State; they had a larger vote than the Democrats.

Q. Were there any peculiar conditions in your county prior to the enactment of this law which led to the discussion and agitation for the primary law, or was it intended also for cities? A. No, sir, I think not, except as applied to counties generally. I think

that most of the people who are in politics will recognize that all of our counties were run by a system of bossism in both parties prior to the primary law; I think the primary system has ridden us of the local boss to quite an extent, because he has not the same power that he had before.

Q. Well, you say there was such things as bosses in Minnesota, then? A. There certainly were.

Q. These gentlemen state there were not? A. I mean local bosses; I don't know.

Q. No general State boss? A. No, not that I know of.

Q. And you think that this system has put these people out of business, do you? A. Yes, I think it has, to a large extent.

Q. Were they undesirable leaders; is that the — A. Sometimes they were, and sometimes they were good citizens that were in politics simply for the love of the game, for the power it gave them.

Q. And you have no such thing as leader in your county, or in other counties in your observation now? A. Not in the same sense. We have, of course, county chairmen of all the parties, and county committees, and all that, but they are not recognized as leaders in the sense that they were twelve or fourteen years ago before the enactment of the primary law.

Q. They do not attempt to dictate the nominations or the party principles? A. I think sometimes they do, but they are not as likely to be successful as they were prior to that, because the primary cannot be manipulated in the same way that the old caucus system could be. Very common in the old days, even in the time of our twelve thousand vote, in the Republican caucus, for instance, there would be probably ten or fifteen voters who would select the candidate to the State convention; now there is five or six times that, ordinarily; perhaps half of the vote at the primary.

Q. Well, there was no reason under the old system why the people should not come out and vote for delegates? A. No, but they did not.

Q. Simply wasn't the practice under the system? A. No, it was not. I think the primary law has done a good deal in educating the voters on public questions. Now take this case in the second district I cited you where there were two candidates for

Congress on the Republican ticket; they went out on a campaign on the tariff issue. Well, every voter in the second district knew something about the tariff or at least had formed some ideas on it before the day of the primary was over. But, of course, the fight was so bitter and so acute that the Democrats won, perhaps, on the arguments that his opponent, the successful candidate, made in the primary, but they thought that it would be —

Q. So it broke up the Republican party as far as the nominations were concerned? A. Yes, to quite an extent. I do not think it would have been broken up under the old convention system, but there isn't any question but that the congressman misrepresented his district because the district was for tariff reform. But under the old convention system he would have been perpetuated; no question about that.

Q. State anything further as to your observations as to the benefits or as to the defects of the law? A. I don't know that I have much to suggest along that line. The main defect, I think, is the cross voting among the parties, and as I said before I don't know of any way to remedy that without a radical change in the present law.

Q. Have you noticed that the plurality feature of nominations has at any time operated in the selection of unworthy candidates? A. Yes, sir, sometimes it has.

Q. Where a number of candidates have gone in, some with money? A. Yes, but I don't think as often as under the old convention system. I don't think we've had as many poor candidates for office under the primary system as we had under the old plan.

Q. Well, I don't think you could particularize along these lines; it is only — A. No, it is largely general observation, and I haven't given the matter particular —

Q. Would you favor the extension of the primary system to State politics, so far as the Democratic party is concerned? A. Yes, I would; not only so far as the Democratic party is concerned, but in the interest of the State, I think we would, and that the State would profit by it.

Q. I believe Governor Johnson has talked of that extension and has suggested it? A. Yes. A great many of the Republicans of the State, of course, charge that the primary law has disrupted

their organization. Perhaps that is true in some localities, but it is not true that the primary law was responsible for the destruction in State politics; the case over the convention system where they got into a row between opposing candidates for the nomination of one man, and the other delegation very largely turned against him.

Q. Do you think it would make any difference now in the nomination of Governor Johnson, for instance, who is a popular Governor, a Democrat like that in a Republican State, whether he is nominated by convention or by petition or personal canvass? A. No, I don't think it would make the slightest difference as to the election.

Q. Or as to the nomination, you think? A. No, I don't think it would as to his nomination.

Q. So that if that is a product of the convention system it has not worked illy in State politics? A. No.

Q. So far as he is concerned, in your judgment, I mean, as from the Democratic convention? A. It has not. Of course, I don't think it has worked illy so far as the State is concerned. We've had good State officers. And yet it seems to me the primary law would throw greater safeguards over the nominations of both parties.

Q. Make the campaign more expensive and the resulting vote more doubtful, would it not? A. Possibly.

Q. In a State where there were annual elections and annual primaries required, under the constitution, would you think it would be just as well as in a case where there are biennial elections and biennial primaries? A. I think a State is unfortunate as that has annual elections it seems so unnecessary; a great many of the states have recently come to biennial elections; Iowa, for instance.

Q. But assuming that a State has annual elections, and must have annual elections, wouldn't the fact that the annual primary and the annual election is held tend more to the impairment of elections and parties within parties? A. Yes, I think so, and I think, also, it would take up too much time in campaigning and politics; it would keep the State torn up all the year around,

practically, because after an election they would have to be getting ready for another campaign.

Q. It would be practically from four to six months' campaign, would it not, right through every year. A. Yes.

Q. That detracts from business? A. Yes.

Q. And disturbs people generally? A. Yes, I doubt the advisability of the State-wide primary in these instances.

Judge KNAPP: I have nothing to ask.

Senator MEADE: We will excuse Mr. Kring with the thanks of the Committee for his time and trouble in coming in.

J. A. LARSEN.

By Judge KNAPP:

Q. What is your legal residence, Mr. Larsen? A. Redwood county.

Q. Is that a rural county? A. That is a rural county, yes.

Q. Have you held any official position? A. I was one of the members of the Legislature that passed the primary election law.

Q. And have you been a member of the Legislature since that time? A. No, sir.

Q. What is your occupation? A. Assistant Secretary of State at the present time.

Q. Will you state what your observation has been as to the working of the primary in your local county residence of Red Lake? A. Entirely opposite of what the members of the Legislature thought it would be when the law was passed.

Q. Now just explain that a little more fully? A. Well, for the reason that under the convention system it was possible for — I am simply speaking of the rural districts, the rural communities; you take the country districts and go around and there will be the prosperous farmers, the prosperous merchants and business men in all localities; they will meet in convention and they will invariably select the men for the Legislature at that time, and in my opinion they had — the expense was less and it was much easier to get certain men to run for those minor offices than under the present system. Now I am not openly opposed to the primary law and election law, but I believe that unless it can be improved, and very largely so, that it is practically an evil so

far as this State is concerned under the present system. I would like also to call the Committee's attention to some of the contests we have had in our particular localities. For instance, in the last campaign there was something like 2,000 votes cast in the primary election. The Democratic nominee in that county received less than fifty votes in the election; the successful nominee, the successful Republican nominee, was only elected by a plurality or majority of ninety-nine. I think that is what it was; of some ninety-nine votes. The Democrats paid absolutely no attention to their primary. A man will be selected at the primary to run for a particular office, and one or two or ten or fifteen or twenty, whichever the case might be, would be sufficient to nominate him. In my home at my voting precinct there was at the last election something like a hundred votes cast. And not a Democratic vote was cast in that — no, I will take that back; there was one Democratic vote cast in that precinct; and the result has convinced me that we do not want to take any chance on losing any primary election. And that alone has, to a large extent, broken party ties. For this reason I have known members of the Legislature, and I have known county officials, who, while they were nominated in the Republican primaries, yet at the same time after the election, after the nomination, they would never say one word for the Republican candidate. In fact, before the primaries were held they would sometimes make a trade with the opposition party for the purpose of securing votes, to secure their own nominations. I have known that. I have known that in more instances than one. And I have heard the chairman here speak about judicial elections. We had a judicial election in our district four or six years ago, I don't remember which, and it was a bitter election. The contest was very bitter from the start to the finish. There were three — no, four — candidates for the Republican nomination; and two — no, one — for the Democratic nomination, and later on a candidate ran as an independent. Our district is — that judicial district is largely Republican. And the independent candidate, as a result of the severe primary election contest, came within 600 or 700 votes of defeating the Republican nominee. That is not all; I have known men in my immediate locality who have expended more money

than the offices would warrant them in doing — the pay from the offices would warrant them in doing; in fact, I have known men that spent funds that were entrusted to their care, when the contest was so bitter that it was necessary for them to obtain money to carry on the fight; to carry on their primary election contests it was necessary for them to obtain money then; or they would use money that they probably would not have used, or it would not be necessary for them to use in any other way.

By Judge KNAPP:

Q. You say, then, there is danger that when a man gets into a hot fight of that kind he resorts to means, perhaps, that under quieter or cooler circumstances he would not resort to for the sake of securing nomination? A. Yes, sir, I believe that.

Q. Now has your observation been that the plurality system of nominations has at any time selected poor candidates? A. It sometimes selects poor candidates.

Q. Because of their persistency? A. Yes, sir.

Q. I understand from what somebody has remarked that the newspapers as newspapers do not take any part in the primaries except as they are paid for advertising by the candidates? Well, that is the city papers. The country papers take more or less part.

Q. They do take part in the country newspapers? A. Yes.

Q. So that the papers that may be called party papers take part for individuals, do they? A. Yes, sir, they do.

Q. Now, what is the attitude of those papers, if they happen to be defeated in the primary; are they loyal enough to take up the other fellow? A. Oh, the papers, as a general proposition, they support the party candidates, that is, the party papers.

Q. Well, if they have said a lot of mean things about the opponent of the fellow they are supporting, what position are they in to speak more loyally at the polls subsequently? A. Well, they tell them to forget these things in the election. (Laughter.) We had a Congressional contest in our district a few years ago and the same means to secure votes was used then that they have used since in the local affairs. For instance, in the same community I live in, where there is no mention made of the Democratic candi-

date for Congress or the Prohibition candidate for Congress, their names are rarely mentioned. But the fight was centered on the Republican nominee, and in a large number of precincts in the county, why almost the entire vote of certain localities would be voted as Republicans.

Q. At the primary? A. At the primary, yes, sir.

By Senator MEADE:

Q. What do you think of the initiative and referendum?

A. Well, from what I have heard of it — haven't heard a great deal, but we have heard of what took place over in Wisconsin; I don't know that I would care to say very much more about it.

Q. What do you say, Mr. Larsen, as to whether or not the direct primary system has resulted in the improvement of the quality of the candidates or not? A. Well, we looked for that in the Blue Book this morning. We took for instance, eight counties, that in 1901; we took the official record of eight counties in 1901 Blue Book, and we also took eight counties of the 1905 Blue Book, which was a fair comparison, we thought. And eight out of eleven or twelve in each of those counties held office during all that time, both under the primary as well as under the convention methods.

Q. What do you say as to whether or not the direct primary has eliminated the so-called ideal party leader or the boss?

A. Well, I don't know — I think I agree with Mr. Eustis, that we had no boss; some men might dream that they were bosses and would take an active interest; they are men who would take an active interest in politics in their immediate localities, if they are interested in any man, they are interested in securing a good man; that they want to see a good man nominated by their party and for that reason they do take an interest. Well, again, there are others who never even at a primary take any interest, and if you are going to call those men bosses who take an interest why I think the more we have why the better it would be for us.

Q. You haven't noticed any particular change along that line?

A. Oh, no, no.

Q. One way or the other? A. No particular change; no, sir. I have noticed this: That in certain counties here, that a certain

candidate stood for certain propositions, certain elements would use their utmost endeavor to secure his defeat, and as a general proposition that class would never have a seat in the convention, that class of men.

Mr. EUSTIS: Allow me just one word — under the old system we used to have county conventions and Congressional conventions, and conferences; the leaders from the districts generally got together and at those times we would pass resolutions, you understand, for parties and men, the organization; under the primary system there is no such thing as getting together, no such thing as passing resolutions.

Q. Well, delegates are elected to State conventions, are they not?

Mr. EUSTIS: Yes, that is only in reference to Congressional and county conventions, and State conventions; they don't have any more, and I suppose there is no reason why they should get together. Before, it was expected that those people who take part in public affairs would get together and confer with themselves once in a while; it sort of holds them together. But with this primary system here we never have any resolutions and don't have any incentive to do that.

By Assemblyman CONKLIN:

Q. Are there no conferences at which the young men may appear and receive their political education and earn their political spurs? A. Nothing of the sort, sir, no; practically entirely without a meeting at all of a political character.

Mr. LARSEN: There is no such interest taken in Congressional affairs, as some would think. Now, for instance, unless there are a large number of candidates in the county here, local candidates, the vote on the general proposition is very slight. It is the local candidates that are able to bring out the vote. For instance, if I was a candidate for office in a certain locality I would appeal to my neighbors and friends in that very locality to be sure to turn out to vote; and where those local candidates are scattered around in different points of the county why it is largely the means of bringing out a large vote in that county.

By Senator MEADE:

Q. Do you think that is more probable under the convention than under the direct primary system? A. Well, I don't know. I've lived both in the country as well as the villages of Redwood county, and there were times when the farmers would turn out for the primary election. That is, under their caucus system would turn out and vote, but generally speaking there were a good lot of men who represented the different counties, represented the different districts; they would come once a year and meet as delegates in these conventions.

Senator MEADE: Have you anything further?

By Assemblyman PHILLIPS:

Q. What do you say, Mr. Larsen, as to the effect of the direct primary system in Congressional and judicial districts which districts contain several rural communities and also large centers of population; are the candidates elected mainly from the large centers of population? A. Oh, yes, most always.

Q. In other words, it don't give the distinctly rural community the same opportunity of having some of their representatives on the ticket as it did under the convention system? A. No, sir. The same with our county officers; the county officers in the county in which I live; every one of them comes from some town. Under the old system there would be a scattering of farmers.

Q. There would be some balancing of the ticket? A. Some balancing of the ticket, yes.

Senator MEADE: If there is nothing further to be asked the witness by the Committee we will excuse Mr. Larsen.

Mr. EUSTIS: I want to say here, Mr. Knapp, in connection with the newspaper proposition, that we have a newspaper in Minneapolis that never takes anything here for politics or a political candidate. That is the *Tribune*.

Judge KNAPP: Never takes anything? A. No, don't take anything.

Q. Only advertising? A. Only advertising.

W. J. NOLAN.

By Judge KNAPP:

Q. What is your legal residence, Mr. Nolan? A.

Q. And your official residence? A. Minneapolis.

Q. What is your occupation? A. I am a lecture

Q. Upon general topics? A. Yes, supposed to be
(Laughter.)

By Senator MEADE:

Q. Are you the funny man? A. At times.

Judge KNAPP: Well, I don't know but when we
would like to hear you.

Q. Is that your only occupation? A. At the present
yes, sir.

Q. What has been your other occupation? A. Oh,
various things. I have been at politics ever since I have
enough to vote, I think; held several appointive
various times in the court house in Minneapolis.

A VOICE: If you will pardon me just a moment
Mr. Nolan is too modest to say that he goes all over
as a lecturer and entertainer.

By Judge KNAPP:

Q. On the Chautauqua platform?

A VOICE: Yes.

Mr. EUSTIS: He has appeared on the same platform
Johnson and has been a member of the Legislature for

By Judge KNAPP:

Q. You are a member of the Legislature? A. No
past session. I served three sessions before that.

Q. Now, will you state to the committee generally
in mind questions here to ask you but I think, perhaps
state your view of the primary and its workings here
way, covering the ground of any objections or any
which may have been gained by it?
primary law in this State has been very satisfactory to
A. Well, I think

in this State. The law has worked out well. I do not know as it has worked out as well as some of its best friends had hoped that it would, but I think as a whole it has been — I think if it was referred to the people of this State to decide on whether the law would be retained or abolished, that 75 per cent. or 80 per cent. of the people of this State would vote to retain the primary election. Our law here was the first one that was adopted by any of the northern states and it was, I think, in a way a very good law. I think some of the other states have better laws than we have.

By Senator MEADE:

Q. Which one, for instance? A. Why, I think the Wisconsin law is a better law than ours, and in some respects the Iowa law is a better law than ours, and some of the later states, for instance; you know the law adopted by the State of Idaho; it appears to be a better law than any of the states have. That is, it goes further. It is a second choice proposition. As to our law, why, of course, we have never been able to extend it to State officers. At the session of the State Legislature that I served in the attempt was made to amend the law, but in every instance they failed to do anything. There was a number of causes for that, and one of the principal causes was that a majority of the members were opposed to the primary law as an institution. And the general reason was that it was too extensive a system; that was about the only reason they had, and then, when any attempt was made to amend it why there was so much difference of opinion as to how it should be amended that we never were able to get together. But so far as that goes I don't know that any of the proposed amendments would have improved it very much except to have extended it to the State officers, and you know that was defeated in the last Legislature, requiring that no party have any legal status, that is, they have no nomination unless they register 25 per cent. of their vote the year previous, or the previous election. I think the weak point of the law is the way it permits the minority party to participate in the majority primaries; but that was true under the old system. Another weak point is that it is possible to have minority nominations; sometimes men are nominated — I know of one instance where a man was nominated; I think he got hardly 25 per cent. of the vote cast, but there were a number of candidates.

Then another objection, possibly, is the objection to the system here it is impossible for any party organization to do the Wisconsin and Iowa system they provide for in Wisconsin the candidates nominated under the primary put themselves into a convention and they adopt a platform and transact the other business that a convention could do in Iowa I believe they elect delegates at the primary convention for the purpose of formulating their platform.

Q. Well, you speak of the Wisconsin system as being better than this law. Do you mean because that contains a blanket ballot? A. No, I didn't know that. I think it is better because it is State wide and also has the referendum, so far as the States Senator is concerned.

Q. Would you advocate the blanket ballot? A. I don't think but that — we had a blanket ballot. The first time this system in this State, it was tried out in Hennepin County, I understand, there; and at that time they had a blanket ballot and it created a great deal of confusion and nothing was accomplished by it. Our blanket ballot, in fact, took the two tickets and put them in two straight columns and the only ticket counted was the ticket on which a majority had been voted for. For instance, any man having voted a number of tickets, only the nominations on the ticket which he voted for a majority.

Q. That didn't invalidate the ticket if he voted for a majority? A. No, it didn't invalidate the ticket. They held that it was valid to vote the Republican ticket, provided he voted for a majority of Republicans.

Q. Of course the blanket ballot permits everybody to vote and every man in the booth, the voting booth, for the party they please? A. Yes; well, the law has changed in this State for the purpose of trying to force the voter to vote for his own party primary. Our law requires that a man, when he votes for a party he votes in, he must have voted for that party at the next election, and his vote can be challenged by the judge.

Q. Well, do they observe the vote of the man to see if he votes for the party he voted for? A. Oh, not to any degree, they do not; but it is possible.

Q. In cases of heated contests; do you think there is general participation between parties in the primary of the other? A. Oh, yes; we have more than I would like to see.

Q. You have found that? A. Yes; but the same thing existed under the other system in this State.

Q. That kind of voting at caucuses? A. Yes, sir; at our caucuses in this State; I think that the nomination of our candidate for Governor, who was originally beaten by Governor Johnson — that a number of caucuses were carried at that time by Democratic votes; a number of Republican caucuses. You know in the last — I know of instances during the last year or two, during the time when delegates were elected to the Democratic State and national conventions there was a contest in this State as to whether they should send a Johnson or a Bryan delegation. And I rather think that a number of Republicans participated in the Democratic caucuses at that time and voted for Johnson delegates; in fact, I know of an instance where men went as Johnson delegates to the State convention who had always been affiliated with the Republican party.

By Assemblyman PHILLIPS:

Q. Perhaps they were Johnson Republicans? A. Perhaps they were Johnson Republicans; so the same objection could be laid against the old system.

By Judge KNAPP:

Q. The expense to candidates — has that made any difference? A. The expense is greater, I think, as a whole, under this system, although there are many cases that I know of where men have won out with hardly any expense. I know in my own case; I never had an election that was very expensive.

A VOICE: Mr. Nolan, you are speaking now of Hennepin county; you are not speaking of the country districts, so far as the old system is concerned?

A. Well, my only knowledge of it comes from Hennepin county; I know nothing of the country districts.

By Judge KNAPP:

Q. This includes the city of Minneapolis? A. Yes.

Q. And is your view affected in any way by the conditions there for the government of city affairs? A. Actually I think the city government ought to be removed from politics. I am a party man, but I don't believe that any good whatever from that system of government.

Q. You believe, then, in the commission system? A. I am in favor of the commission system.

Q. Your party affiliations are what? A. Republican.

Q. Does this primary create a widespread interest among the people during the campaign of the leaders and heads of the party? A. It does in the city. It does in our city.

Q. How about the country districts; does it not? A. In some cases it does; in the city, in fact, in the case, I think, of the primary election in the second election district brought out — there was a good deal of interest at the meetings held over the district.

Q. How long does that campaign continue? A. It depends largely upon the methods; when they are improved, the campaign in the press is extended. The period of two months' active campaign.

Q. And they have to file their applications how long before? A. Let me see; I think it is twenty days before.

Q. Well, are the canvasses of campaigns of individuals commenced earlier than that, as a rule? A. Oh, yes; they commence their campaign before filing.

Q. And you have a system that is once in two years? A. Biennial system.

Q. Now, do you think that there are any evil effects of this system on the citizenship generally in a long-continued campaign that arouses the bitterness of political feeling? A. No, I don't think any harm comes from it. It is a good thing in some respects.

Q. Would you think that would be a good thing to have a continuous performance of that kind? A. No, I think not. It is not good for the people themselves; I know in our county the candidates during a campaign — the people don't pay much

what is done by the candidate; the people take an interest when they are ready.

Q. If you had an election and primary every year instead of once in two years, would you think that that would make any difference in your view as to the desirability of this sort of a campaign? A. Well, personally, I would not be favorable to the annual election.

Q. I am speaking of the annual elections? A. That is, you mean an annual election of the —

Q. Do you think that would be detrimental to the interests of the people? A. Why, I don't think so; I think if it were our law to hold annual elections that the people will participate. I am speaking now — I was in Pennsylvania, a portion of Pennsylvania, that has two primaries a year under its law, and the people there generally — and I am speaking only for the cities — had shown that they are interested in the primary system and are in favor of it by the way that they turn out at the primaries and vote.

Q. Well, they turn out, do they, then, on the suggestion — an urgent appeal of? A. Oh, some of them do; but generally there is a contest on for the head of the ticket. We've always had a contest on for the mayoralty; every time we have a contest for a good office; always have a good contest for alderman in the various wards.

Q. Well, now do these contestants in the contest get themselves out or does the vote come in voluntarily? A. The vote comes out — there is no kind of concert; there is no association of candidates; each candidate goes out and makes his own campaign, he and his friends.

Q. Then in reference to the primary; don't you have any system — any check list system — or anything of that kind by which the contestants see that the voters get out? A. Why the individual candidate does that. Even the candidate for alderman has a committee and carriages, and the same with the other candidates, through every primary election day and on registration day.

Q. Yes? A. Of course; we have no — there is no registration; that is, until after the primary election is held.

Q. If a man does not attend on that day he cannot register?

A. Oh, we have two other registrys that come v permitted to vote at the polls.

Mr. EUSTIS: If he appears, that constitutes re don't come in —

By Assemblyman PHILLIPS:

Q. You have a personal registration? A. Yes sonal registration.

Q. For the whole State? A. I don't think - how that is now. Isn't the personal registrati everyone, or do they use the system —

A VOICE: I think there is personal registrat State; I think you must register; I think they've ditions.

A. Yes, they must register; if you are a trave ment is not necessary. Listening to the remar stated that there was an advantage under the alp of placing the candidates on the ticket. We ha system in the city of Minneapolis, and at the last voting machines; and, of course, it was impossik voting machines. And we used the alphabetical didn't make much, if any, difference, or we didn't

Q. Well, I suppose with the use of the voting the voters voted for all the candidates that were : rule; or did they vote only a few of the first one think in many cases — I never thought it out — t the same as they voted upon the other ballot; of co stand that there are certain minor offices that don't vote as more important ones.

Q. Can you get from your city clerk, or anybody of that vote — that is the old system — of that v with the use of these machines? A. No; that is : Book about the primary vote now; we have a reco State and county; the city clerk and the county a ords of the vote; and whether there is any print from that I don't know; I presume that would be i the canvassing board, where you would be able to daily papers published it. Of course, one had cond

mary election law is the time the primaries are held; they are held in the fall and that is not a very good time for the farmers; and I know the rural members have tried several times to amend the law so as to hold the primaries in the spring or the summer. They claimed that the reason that there is not so large an attendance in the rural districts is due to the fact that the farmer is busy and it is just about harvest time.

Senator MEADE: Anything else from this witness?

Judge KNAPP: Not from me.

By Assemblyman PHILLIPS:

Q. Do you believe in the initiative and referendum?

By Senator MEADE:

Q. And the recall? A. Yes, sir.

By Assemblyman PHILLIPS:

Q. And the election of United States Senator by direct vote of the people? A. By direct vote of the people. That is, the initiative and referendum so far as municipal affairs are concerned; understand me, I am not a believer — I don't think this country is ripe for a pure democracy. I notice that in some answers to that question the advocates gave the impression that they believed in the initiative and referendum; that is, that all legislation should be enacted through the initiative and referendum. I believe in the initiative and referendum as a check on legislative bodies in cases where the Legislature fails to enact a law, or has enacted a vicious law, that the people should have a right to repeal that law and a right to say —

By Judge KNAPP:

Q. Then you believe in the recall, too? A. Believe in the recall.

Q. Now, don't you think that makes the legislator a coward? A. Why, I don't think so. I will tell you: My impression is that the average legislators, on matters of importance, simply respond anyway to public sentiment; sometimes they are bound by public sentiment, but in those cases we have found it true that where a legislator, they won't — let us say, will abso-

know that it is a fair proposition to give the State of Nevada equal representation with the State of New York.

Q. Well, that would create its identity as a State? A. Well, one Senator from each State, and then after the State had attained a certain size give them another Senator.

By Judge KNAPP:

Q. Then you would have two houses alike; that is, the Congress and the Senate? A. Well, that might be —

Q. Instead of having a Senate representing and sitting as one of the community of states or commonwealth of states, as was the idea? A. Oh, the Congress legislates for the country as a whole, and I think a great deal of unfair legislation that has been passed has been from the fact that Senators representing very small states, and responsible to very small constituencies, have been taking the same responsibility that men have who have been responsible to large constituencies.

Senator MEADE: If that is all, we will excuse Mr. Nolan. Mr. Nolan, very much obliged to you.

S. G. IVERSON, State Auditor

By Judge KNAPP:

Q. Your home is where, Mr. Iverson? A. My home is in Fillmore county; that is, my old home, where I was elected from.

Q. Yes? A. Yes.

Q. What are your party affiliations? A. Republican.

Q. You hold what office? A. State Auditor.

Q. Been there for long? A. For six years and a half.

Q. What has been your previous political life, if anything? A. Well, I have been in public life for — I've been in the State service for twenty-two years and a half. I was elected to the Legislature in 1886 and became identified with the State Auditor's department in May, 1887, and served there for three years and a half; and in January, 1905, became a Deputy State Treasurer; in January, 1905, became Deputy State Auditor; and in 1904 was elected State Auditor to take my place in January, 1903.

was enacted that we have had any opposing — that any member of the opposite party has either represented Fillmore county in the Legislature or has had a county office. In fact, nearly all the campaigns have passed by without any contests; that is, after the primary nominations have been made. The same is substantially true of the counties in the neighborhood of Fillmore that I am acquainted; the two of Houston and Mowry and Olmstead counties, where a few years ago bitter primary convention contests and the party was frequently split in twain, resulted in the defeat of our candidates. Following that along the congressional lines we have, if you care for that, I was a delegate at the convention that nominated the gentleman, a very excellent gentleman, who afterwards became a Judge of the Supreme Court, Judge Lowell, in the summer of 1886; that was under the old convention system; we fought in the Madison convention for three days and Lowell was finally nominated, and at the polls was defeated by Judge Wilson, a Democrat. If I am making this too elaborate, gentlemen, I wish you would stop me.

Senator MEADE: Oh, no; we want everything you can give us, Mr. Iverson.

The WITNESS: Well, the same conditions existed down there, a local resulting in a bitter fight and Mr. Dunwell — Mark H. Dunwell — this is the First district that I am talking about, that is now represented by Mr. Tawney — resulted in a very bitter fight and again our candidate was defeated. That was under the convention system. Since the enactment of the primary election law we have had a steady Representative from the First district of Republicans — Mr. Tawney — the man having been there for the past fourteen years. And in several other districts the same thing is practically true. In one or two districts the nomination at the primary election has practically settled the election, as no opposing candidate has cared to go against it, which I think is true of Mr. Balston and Mr. Steimeson and Mr. Linnberg and Clarence Miller; and these gentlemen, perhaps, you may be acquainted with in Washington, for several years in this county have had very little opposition. In fact, the nomination in this county under the primary election law has been in the nature of an election at the polls, while a few years ago, as under the con-

instead of seeing three or four caucus goes or convention goes, in a town, he now visits the people and they all become acquainted with him. You know under the convention system if a man is a candidate for any kind of an office all he needed to see were the men who ran the caucus in that community. Now it has resulted, I think, also, if you will permit it, in the betterment of the public service in Minnesota. I believe it is true of the Legislature; I believe that the Legislatures that we have elected in recent years under the primary system have been of a higher grade of men than we formerly selected under the old convention system. I believe our county officers and candidates, and I have an opportunity of becoming acquainted, I believe they are of a higher grade of men than we had under the old convention system. I am, perhaps, putting it strong, gentlemen; but you want my view and I am giving it.

By Assemblyman CONKLIN:

Q. You never had any convention system, or you never had any caucus convention system, did you, but that to which you have referred, in which every detail of the operation, both of the selection of the delegates and the conduct of the convention, was regulated by law and a punishment for any violation of law made just as severe as at the general election? A. No, sir, I think not; I don't believe that under our system we had any regulation of the kind you speak of.

Q. Well, your expression of preference for this present system over the old is simply the expression of preference for a regulated direct primary over an unregulated indirect primary? A. Well, for a — one standpoint, yes sir; that is true. But from a higher and broader standpoint, I believe it is perfectly fair to trust the people, the masses, the Republican masses and the Democrats with the selection of the party candidates, on the theory that if we cannot trust them they share the responsibility with the convention goer and of course they stand in the place of the convention goer, and when they have made selections they assume their responsibility at that time. And then it is somewhat more regularly, as you have stated, regulated by law.

By Senator MEADE:

Q. Mr. Iverson, had you finished y
I asked for when we were — A. Why

Q. Well, if you have anything mor
say it before any questions are asked
rupt your line of thought. A. As to th
has been said as to that, and I believe
made a campaign under the primary l
the political world has been done un
I believe that the expense is practica
you going to North Dakota?

Judge KNAPP: No.

The WITNESS: I wish you were goi
about the cost for the candidates fo
There were four candidates, I believe,
three of them wealthy men, I believe,
wealth. The man without wealth won
I have been told that the expense has
\$1,000 or \$1,200; that is Senator Jo
Well, my point, my idea, is this, gen
law is — it is more advantageous to
and favorably known. With such a ca
The man who is not well known must
himself and become known. Another
and listened to the question does the la
sota and other states tend to the advan
the public service, and I may say that
we can get to government by the people
of a party or otherwise, the better will

By Judge KNAPP:

Q. You believe in a representative fo
not? A. Yes, sir.

Q. All of our laws must, of course, be
of the — A. Oh, must, must of necessi

By Assemblyman PHILLIPS:

Q. You don't believe in the initiative
a certain degree, yes.

Q. Would you believe in the selection of a United States Senator by direct vote of the people? A. I believe this, that the people of the State should have the right to say who should be their representatives in the Senate.

Q. Well, that is the direct vote? A. Yes, sir.

By Senator MEADE:

Q. Do you believe in the recall, as it is known? A. Yes. I'm not so familiar with the recall principle. It has been adopted in Oregon, I believe, or was it Washington?

A VOICE: It is in California.

The WITNESS: It is in California. And it seems to me that it is a tendency in the right direction, as it is giving the people more and more control over their own affairs; the office holder, the public officer, is after all but taking care of the people's means and the people's business; that's all.

By Judge KNAPP:

Q. Don't you think it has a tendency toward Socialism? A. No, sir; I do not think it has any tendency towards Socialism.

By Assemblyman PHILLIPS:

Q. Of course, if the people will exercise their right and will honestly express their wishes, if we had just one class of citizens, a small republic, undoubtedly a pure democracy would be an ideal government. But you take in the election of United States Senators, such as they had in Wisconsin, where a multimillionaire is credited with spending a quarter of million dollars. Do you think the people would get any better representation than they did formerly under the old system? A. No, sir; no, sir. But do you think former elections of Senators in Wisconsin have not cost money?

Q. Well, probably they have. A. And another thing. I doubt very much if we will ever hear of another election in the State of Wisconsin where the successful candidate or any other will say that it cost him \$107,000 to be nominated. I believe that the people will right that matter and they will take it in their own hands, and that will never occur again.

and you have in that one city one-half of the voters of the entire Commonwealth, when it comes to a State ticket, or a State-wide primary, would you get the same results that you would in those states that are not controlled, or one-half of the population is not centered in one place? A. I see. Well, to go back to a statement that I made only a moment ago. I have absolute confidence in the ultimate outcome of this whole scheme; and if you give the people a chance to exercise this right they will in time become familiar with it. But I don't care how ignorant your voter may be in the slums of New York, when you get down beneath that exterior you will find just about the same degree of devotion to the Stars and Stripes and to the flag and to the country that you find in your best citizens. He wants to do right. He wants to, and the fact that he is not able to read the language is his misfortune, and his sons and daughters, they will read it and they will understand it. And under a primary system the sons and daughters would discuss the civic affairs with their father and mother, and in the course of a generation you would have an educated citizenship here.

Q. You never came in contact with the foreign element in New York city? A. I have been there several times, and I probably saw a good many of them.

Q. Well, I mean to come in contact as to their desires or loyalty to the flag, as compared with our better citizens; they know nothing of it, isn't that the fact? A. Well, perhaps that is true. If it is true it is most lamentable, and it is up to gentlemen like you to better it.

Q. In the nomination of a State ticket — more particularly I am referring now with one-half of the population in the one place and one-half of the voters in one place — would there not be an equal opportunity to bring the entire strength of the State to a good ticket by geographical location of these candidates under the primary system and under the convention system? A. I see your point. At the present time I think it would be very much better under your present system, at the present time, if that is true, as you say, that half of your population is of that class.

Q. Not in one city; they are not of that class, like that, in the one city? A. Yes.

Q. More than half of the population of one State in one city.

By Senator MEADE:

Q. Over 4,000,000? A. Of course, as to that, you gentlemen know what the proportion is better than I do. But after all it seems to me that right within New York city, your city of New York, you have got enough of the other class to more than overcome — at least, I hope so — this class you speak of, and in any event isn't it true that if they are what you say that they are absolutely under the domination of the local boss?

Q. Yes. A. Absolutely, if that is true at the present time.

Q. Perhaps that is so. A. Now, Herbert Spencer's one criticism — that is, one of his criticisms — on the political system of this country was, that it was possible to have an army of uneducated voters controlled by a boss. Well, of course, that is possible under the caucus system, the convention system, almost to the same degree that it is to the other.

Q. Now, let me give you an illustration of what we want to get: This last fall, if we had been operating under the direct primary system in New York State, the sentiment of the people demanded the nomination of Governor Hughes very strongly. Now, in view of some of the measures which he had advocated, like the race track measure and so forth, which we all agree were very proper, there had grown up a feeling amongst certain elements against him. It, therefore, became necessary, in the belief of people of the State who thought about it, in their belief, and also for the success of the national ticket, to so distribute the other State officers about the State so as to bring to the national ticket and to Governor Hughes himself the very greatest strength possible from all sections of the State. Now, would it be, in your judgment, possible to so educate the voters of the State of 4,000,000 inhabitants as to induce them to nominate a man from the northern and western and eastern and central part of the State, put their vote out and prepare to bring that strength to the ticket? A. I see.

Q. That is the point I want to bring out. A. There may be some question about that, at least for several years.

Q. Yes.

Senator MEADE: Is that all, Mr. Howard?

Assemblyman HOWARD: Yes.

By Assemblyman PHILLIPS:

Q. Well, what is your other proposition?

Mr. IVERSON: I was going to say, for instance, in my county of Fillmore we had two representatives from one town at the last primary; next year they will right that; that won't happen every day.

By Assemblyman PHILLIPS:

Q. Well, will they? A. Oh, yes.

Q. Of course, here you take New York city, with this 4,000,000 population; of course, they could, if they voted for their men, in that way absolutely control every State nomination. A. Every one of them.

Q. And you couldn't stop it. And it might be possible, although those from the city would not admit it, that they would be men perfectly competent, even in the great city of New York, with all its slums, to administer the State offices. And we do not believe that would be a good thing for the State at large. A. Oh, no.

Q. And, as Mr. Howard suggested, I do not see how with a State-wide primary plan there is any opportunity to balance the ticket. A. No.

Q. So as to bring the most strength to that party at the polls; that seems to me to be a very serious defect; and you have not told, are you in favor of extending this to the State officers? A. Yes. I advocated it very strongly at the time that it first passed; I was in favor at that time of extending it to State officers.

By Assemblyman HOWARD:

Q. Is it possible to concentrate the votes in the rural counties so as to enable you to nominate a man in the rural county where it has been a State-wide — where the nominations are State-wide — as easily and with the same effect as it is where they live in a city? That is, by the ruling of the city, I mean? A. Yes; well, my experience has been that it adjusts itself in time. Now we have — we say generally in the country that our county officers come from one town and one primary election. The chances are that it will be shifted around at the next. And this is another thought, if

you will carefully take it, that I find that many good officers — that the best county officers, those who had — those who take the best care of the public business in their counties are kept from year to year.

Q. Well, that is so in both systems? A. Yes, largely so.

By Assemblyman HOWARD:

Q. Now, upon your illustration if you will right the defect that appears when they nominated two town officers from the same place, or two county officers that they right that next time; could that be remedied? A. Well, possibly yes, quite frequently.

Q. Suppose that goes to a population of a great many people undertaking to right that wrong? A. I see your point. (Laughter.)

Judge KNAPP: I want to present sample ballots and other election and primary paraphernalia which has been presented.

Senator MEADE: They will be received.

Judge KNAPP: And also a copy of the Election Law and the Primary Law to become a part of the record and the blue book so far as applicable to our inquiries.

Senator MEADE: If there is nothing further for the record, we will adjourn to meet to-morrow at 10 o'clock in Madison, Wisconsin.

ELEVENTH SESSION — August 19, 1909.

MADISON, WISCONSIN, *Thursday, August 19, 1909.*

JAMES A. FREAR:

By Judge KNAPP:

Q. Mr. Frear, you are the Secretary of State of the State of Wisconsin? A. Yes, sir.

Q. And your legal residence is? A. Madison, Wisconsin.

Q. Your home?

Q. How many counties are there in the State of Wisconsin? A. Seventy-one now, I believe.

Q. This city of Madison is in what county? A. Jones county.

Q. What is the population about of the State of Wisconsin?

A. I would say in the neighborhood of two million and a half at the present time; the last census given in 1900 was 2,069,000.

Q. And the electorate is about what? That is the voting population? A. I can't tell you, generally between 300,000 and 400,000.

Q. Prior to the adoption of the Primary Election Law having in it the direct nomination features, was there some statutory regulations covering the primaries of parties and the caucuses of parties? A. Yes, sir.

Q. For the election of delegates to convention? A. Yes, sir.

Q. And nominations were made, were they, in that way? A. Subject to those laws.

Q. When was the primary election law which has the direct nomination feature passed? A. 1903; the session of 1903.

Q. And has that law been in operation since that time? A. Since that time.

Q. Have there been any important modifications made to it? A. Yes, sir.

Q. This book now which you have handed me (producing book)— A. By the way, gentlemen, here is our Primary Law (producing papers). I think it will be interesting and I think I have brought in extra copies. There is everything since the year 1904 — everything except that 1909 amendment.

Q. This I present as part of our record, the Primary Election Law of Wisconsin as amended by the Legislature of 1907. You stated there was some amendment in the year 1909? A. Yes, sir.

Q. State briefly what that was? A. One of the amendments was to provide for a condition which arose at the time of the drafting of the original Primary Elections Act. The question was agitated as to whether it would be important to have rotation of names as in some similar — something similar to what they have in Minnesota, for reasons which I can explain if you desire, it was passed, but a law was passed last year, or in the last session of 1909, which was passed in this State, provides for a rotation of names for the same candidates, for the same office, the purpose being to avoid any preferment being given to the first name on the ticket which possibly occurred in the former primary.

Q. It was claimed and generally stated, was it, that there was some advantage? A. I don't know as it was stated,— Mr. Buck, the gentleman who you have just met, made some statistics, and he questioned it after securing the statistics, I understand; and the impression was general that there was an advantage to the man whose name first appeared upon the ticket. That was true in Minnesota, at the time when they had their primary; and they provided that a certain number of ballots should be printed and then the first name should be dropped to the bottom of the list of each series of candidates for the particular office, and that was their law at the time we drafted ours, but it was one of the questions, that is the reason that we did not get that in the Primary Election Law of 1907, on account of the question raised.

Q. In printing, you mean? A. In printing. In 1907. That is the Primary Law of 1907. Now provides that — if you care to have me speak on this law just a moment.

Q. Yes, just the substance of it. A. That law as passed by the last session provides that the Secretary of State shall number the various Assembly districts in Wisconsin from one to one hundred, beginning with a district that has the largest population, according to the last census. He sends to the largest, which is numbered one, a list of candidates printed in an alphabetical way; to the next same list of candidates, excepting the first name is dropped to the bottom, the first candidate's name is dropped to the bottom of each list; so on down to the end of the list of one hundred precincts, one hundred districts. Now the purpose of that was to have the arrangement as nearly fair in that district as possible; and of course, the population is determined by statute; and they are nearly equalized in that way. In the county offices, we provide by present practice, beginning with the alphabetical arrangement of towns in each county and then having the cities with their wards, come in consecutively.

Q. Well, with reference to the law passed originally in 1907 and its amendments down to 1907, can you state briefly to the Committee just the features of the law that are peculiar to the Wisconsin statute? A. I don't know that I can state what are peculiar to Wisconsin, but I can give you an idea generally of the

law — or do you care to know about the way in which it was formed, that is, the questions which arose before our committee at that time, and which required —

Q. I think so. A. I think it would be interesting to your Committee. In 1901, the Primary Election Law, known as the Stevens bill, was presented, the primary elections bill; and after — at the end of the session it was defeated and it was made an issue during the next — in the next campaign of 1903. The 1903 bill as drafted was a committee bill. It was substantially in line with the Stevens bill, except in some particulars, and it embraced some of the features of the Minnesota system. It provided briefly that there shall be a nomination paper circulated, requiring 1 per cent. for all State officers or Senatorial officers, the Senatorship; and it requires 2 per cent. for Congressional offices; and 3 per cent. for the county offices; and 1 per cent. — requires — that is, for State offices — requires that at least 1 per cent. be had in each of these counties of the State and a total of 1 per cent. of the last preceding vote of that party cast at the last general election. For instance, the Republican petition is based upon the Republican vote and the Democratic upon the Democratic vote. In the Congressional it requires that a certain number of counties shall be represented by a certain percentage — I think it is six counties, I am not sure what it amounts to in the aggregate. But that is the provision in the constitution, formed so that when a man circulates his petition he knows just what he has to get. There is also an amendment which has been passed subsequently to that election, the number of names that can be secured there to a petition, to 10 per cent. in any case; and makes it an offense wilfully to circulate petitions to secure any nominations before the 10 per cent. of the vote of the party.

Q. Just a moment. I notice that in many statutes; now what was the reason for that? A. To prevent any one party having means at its disposal from practically absorbing the whole voting population, covering the whole State, so that, or covering a county, as it may be, and preventing other candidates from having their names around before the people.

Q. It was thought they would absorb the vote in advance? A. The number —

Q. In the village? A. — which happens and it became prohibitive in any way against other candidates. That amendment was passed in 1905. After securing the petition of the primary it was filed on the first of August, first Tuesday in August, and the first Tuesday in September the primaries were held practically the same as the elections; same inspectors, clerks and publications — held in the same general manner. The ballots are printed one for each party; they are fastened together and handed to the voters at the time he asks the clerks for a ballot; that is, there is a separate ballot for the Democratic Socialist and Labor Party, whatever they might be, and is given to the voter who takes them to the booth, detaching the ballot that he is desirous to vote, and he can only vote for one party, one of the candidates on one party ticket. After he marks the names on this particular ballot he then returns to the inspectors, handing them the ballot that he has marked and that is put — placed in what is known as the regular ballot box; and the remaining ballots which he has not chosen are folded together and placed in what is called the blank ballot box. This ensures absolute secrecy and those blank ballots are destroyed after that and never inspected. The only ballots that are considered are the ballots in the regular ballot box.

Q. Let me ask, is there any endorsement upon the ballot that indicates the number so that the inspectors themselves can see it? A. No, no, none whatever; they are all destroyed so that, as I said, it ensures absolute secrecy. After the ballots are cast in that form and all voters vote at the same primary on the same day. After the ballots are cast they are examined and the one having a plurality of votes, the ballots are counted and the one having a plurality is the one who is declared the nominee. Now in case of all candidates who were represented in more than one county office, the vote is for more than one county, they make reports to the Secretary of State, the same as they do at the general election; in their case it is centrally conducted. Now, there are one or two suggestions or questions arose during the hearings by the committee having to do with the drafting of this bill. I was one of several who were engaged at that time; I was a member of the lower House of Assembly. We had in addition to the question of rotation of names that was presented to us, the question of limiting

the expense of primaries. We found that it was here strenuously urged by a member of our board of trade who at one time was a candidate for Governor of the State — that is, I mean, before the voters at the convention — he was a member of the Assembly and he thought it was a very important provision to put in the Primary Election Law, for we thought we should, in order to secure its passage, we thought we should make it as simple as possible and that there would be much opposition incurred by trying to have a limitation of the expense, and so it was stricken out. We had brought up before the question for first and second choice, which would undoubtedly bring about a majority nomination; and we have had bills introduced since that time for that purpose. These bills have been killed. We were satisfied that that might endanger the primary election bill that we had and for that reason we did not urge that strenuously. The question of — that will be discussed by other gentlemen who will appear before you; and the principle of having second choice nominations, I think, is very important and would strengthen the Wisconsin law very materially. Another question that we had was the declaration of party affiliations. From my interviews with gentlemen in Minnesota and in many other states, they were satisfied with that feature of it, giving their reasons, we thought it would be better to have our Primary Law with one choice, the voter to make his own selection unhampered. From that came on the double ballot box system, which I rather suggested myself; and it was worked out by the committee. These things — these four different propositions that I speak of, the rotation of names and these other questions, were left out of the bill, simply on account of opposition which it would incur, and in an effort to get the bill through both Houses. After the bill was passed in the Assembly it was accepted with a slight modification by the Senate and was then referred to the people and the people voted upon it. And it became the law of nomination in 1905.

Q. Now the ballots which are furnished for the primary are printed at whose expense? A. The State's expense, of course; well, the different counties, of course.

Q. The different counties pay the bill? A. The different counties pay the bill.

Q. The State does not reimburse the counties? A. No, no. But the State has to furnish forms. The Secretary of State is required to furnish forms for each county.

Q. The nomination papers, petition and so forth, are they furnished at the expense of the State? A. No, just the forms, some forms.

Q. The State bears at large, bears no part of the expense of conducting the primaries? A. Not of the local; not of the primary — of course, the State has certain publications, the State sends out those forms and gives the instructions but that is, of course, a nominal fee, a nominal charge, bears it, the only expense — the real expense is borne by each precinct.

Q. Is there any way by which we can obtain the expense for conducting the primaries? A. I made a computation yesterday on the suggestion of Mr. Seilheimer that will give you a general idea; it is impossible to ascertain completely because you will recognize all these items are paid out to each separate county and depends upon the number of precincts of the county. But we have seventy counties in the State and nearly 2,200 precincts; that is, there is considerably over 2,250. The average cost of three inspectors and two clerks at the primary would be \$20, making \$44,000 for the precinct officers. The printing of notices in seventy counties are estimated at \$21,700. I will say that these estimates are a little larger, I think they are liberal so as to cover any possible expense. The printing of the ballots for the several counties is estimated at \$7,000. That would be \$100 in each county. I think that is very liberal. The printing of State supplies, that means the forms and the postage and everything connected with the State's share of the expense would be about \$2,500. Canvassing boards throughout the State are placed at \$1,000. And the printing of the result of the canvass at \$5,000. Making a total of \$31,200. This estimate, I give you this in detail so if any criticism is desired to be made on these figures, why, they will know on what the basis was made because it is under the generalization. The cost of the general election is somewhat less than this.

Q. You have biennial elections and biennial primaries?

A. Yes. The primary we hold on the second Tuesday of September, and the election on the first Tuesday of November.

Q. You also have a primary for the municipal elections?

A. Spring election, yes, every year that would be.

Q. And each year and not every alternate year? A. Under the charter, the primary — the charter as issued originally, we determined whether there should be only biennial elections. I think it is the biennial election under the general charter when it is adopted. Of course, many of the cities have private charters that are determined by the acting committees.

Q. So that in their cities there would be a primary election one year, and in the counties, including cities, there would be a primary election every other year — practically means that, don't it?

A. Well, we have provided this also, that a primary need not be had in certain classes of cities unless it is desired; a petition is presented from the voters for that purpose; that is to avoid any difficulty when possibly in a small locality — avoiding the necessity of expense for primaries. That is optional with the voters.

Q. Your primaries extend to what officers? A. To all officers; to presidential electors.

Q. They are selected by convention? A. They are selected by a convention made up — and I had better follow the course subsequent to the convention. After the nomination there is a convention held; a State convention composed of all the nominees for Assembly and Senate, the legislative nominees, and also the State officers of each party, that is to be held at the city of Madison. At that convention, of course, they adopt their platform and perform whatever other duties are necessary, including the selection of their State committee; and in the year in which presidential electors are to be selected they select the presidential elector for each district; each district selects its own electors, and also the electors at large.

Q. There are no delegates elected at this primary to the State convention? A. No delegates.

Q. And the county committees that are elected at the primary do not participate in the State convention? A. No. It is only conducted by the candidates who have been nominated.

Q. The chairmen in some other states are members ex-officio of

the State convention? A. The chairman of the State central committee calls the convention to order. That has been the practice; there is nothing in the statute requiring it.

Q. And the delegates to the national convention are how elected?

A. Those are elected at the primary. It does not appear (indicating the law); you will not find it in there, but it was one of the subsequent laws.

Q. Is there any provision in this law that prevents the members from one party from participating in the primaries of the other, or voting the primary ticket of the other party? A. There is nothing whatsoever excepting the amendments which were passed in 1909, this last session of the Legislature. At that session a bill was passed which provides that no candidate's name can be certified to appear on the primary ballot unless all the candidates for that particular office receive at least 20 per cent. of the vote cast for Governor of that party at the last preceding election. The effect of that is to require all the candidates for office to work together to secure such a vote; at least 20 per cent. You can ascertain the importance of that when you see the — when you discover the relation that the voter as named cannot vote at the general election. The purpose of that is this — that was drafted — to prevent the partisans who desire to enter and vote the ticket of the opposite party for the purpose of selecting a weak candidate; it is to prevent that being done, because they will be required to sustain their own candidate, to enter their own primary. At the same time, it leaves everyone free and independent to vote as they choose for whichever party their desire.

Q. And if they are not affiliated with any party, so to speak, that is an independent voter; still might make his choice of a nominee? A. Of a nominee.

Q. The amendment that you speak of has not yet been tried out? A. No, that was passed this year. The purpose of that, as I said, was simply to prevent parties going into the opposite parties and nominating a weak candidate to be defeated at the election, when they would return to their parties. And it is believed that the effect of the bill would be to cause persons to remain in their own party and vote their own party ballot.

By Assemblyman CONKLIN:

Q. In the event of their not receiving the 20 per cent.? A. Then they would have to remain as independent voters, if they cannot get 20 per cent. of the independent candidates.

Q. Nominate by petition, can they? A. They can get in on petition; I think that is under that act, and it permits them to go as independent candidates, providing that the successful candidate gets his —

A VOICE: Deprives the party designation on the ballot.

By Assemblyman HOWARD:

Q. Do you know whether or not that method has ever been tried in — A. I don't think it has; I don't think it has ever been proposed in other places.

By Judge KNAPP:

Q. They are advocating it? A. That primary act? This very thing followed the direct primary and was passed by the last Legislature.

By Assemblyman CONKLIN:

Q. Do I understand that, for instance, if there was no 20 per cent. at the Democratic primaries there would be no Democratic candidate anywhere in the State? A. Not for Governor, unless all the candidates for Governor combined had at least 20 per cent. The point is that unless your party has a sufficient representation —

Q. Yes, I understand. A. They are not entitled to represent the party at the election; that is the plea, of course.

Q. Then, if he ran, he would have to run as something else besides a Democrat? A. He would have to run as an independent candidate. Now, let me say that our experience in Wisconsin, as shown by the percentages they have got, they have received all the way from 25 to 90-odd per cent. at the last election, and the Republican candidate for Governor received 9. I will give you some statistics that bear on this proposition: The total Republican vote for Governor for 1908 was 242,935; the total Republican

primary vote for Governor the same year was 159,273, or 65 per cent. of the vote cast for Governor — the vote that was cast at the primaries; but there was no opposition. The Governor was not opposed at the primary. The total Republican —

By Judge KNAPP:

Q. As the only man on the primary ticket? A. He was the only man who received in the primary — there was no opposition.

By Judge KNAPP:

Q. He was the only man on the primary ticket?

Assemblyman PHILLIPS: No, the only man for the office.

The WITNESS: Yes. As I said the total vote for Governor in 1906, was 183,558; the total primary vote for Governor in 1906, was 170,926; or 90 per cent. of the vote cast that year, in the general election was cast at the primary. There were two candidates for Governor on the Republican ticket at that time. The total Democratic vote for Governor in 1908 was 165,977; the total primary vote for Governor in 1908, was 41,114; there was practically no contest, although there was another ticket. That was 25 per cent. The total vote before that, the total vote on the ticket, the vote in 1906, was 10,334. The total primary vote was 29,942, or 29 per cent.

Q. Have you a corrupt practice act here? A. Yes.

Q. And is there a general limitation as to the methods of spending money for primary nominations? A. Practically no limitations; it simply provides that a statement shall be filed by the candidates.

Q. By those who are successful, or those who are unsuccessful? A. All candidates at the primary, at the election, successful and non-successful candidates. I will state, if you will permit me, right in that connection, that, at the last Legislature of the session of 1909, I think, there were two measures that were introduced, one of them, I know, was drafted here, to provide for the limitation of expenses. This method is similar to the Oregon method. I have the bill here, if you care to look at it before you leave. Also amending the primary in some important particulars of corrupt practices, and strengthening it so as to require a list of

the agents who disburse the money to be furnished, to have a public record made of the same, their instructions, and a limitation made in the class of expenditures. The other feature of it was to provide — that was made similar to the law of Oregon, that the Secretary of State should send a pamphlet to each voter in the State as appearing on the last record; and in that pamphlet should be mentioned the candidacy of the various candidates together with whatever they chose to put in, a charge being made for the number of pages used and a limitation as to the number of pages.

Q. Is there any way we can obtain any statistics as to the cost of the candidates at the primary? A. Only as the candidates have filed statements in this office. They are required to file such statements where they are required to report to the Secretary of State.

Q. Are those statements published? A. Yes; not officially published.

Q. Is there any way that we could get copies? A. I can furnish you with copies of such if you will designate which you want; I will have them got for you.

Q. All the more important offices including United States senator? A. United States senator, I can furnish you with. There were four candidates for United States senator at the last primary.

By Senator MEADE:

Q. Can you give us them for State senator? A. Only in the case where State senators are nominated — are from part of more than one county; those are the only ones that is required to report; where they are within one county they report to their own county.

By Judge KNAPP:

Q. Do the congressmen report here too? A. Only where their district is entirely within one county; that would be Milwaukee; that would be the only case.

Q. That they would report it? A. That they would report it.

Q. And where they wouldn't report? A. The only cases where they wouldn't report are where they are in one county.

Q. If you can, Mr. Secretary, furnish us with the statement as to the United States senator and Governor and State senators,

where they are within — their district comprises more than one county; and also congressmen? A. Yes, sir.

Q. Would that cover sufficiently the question? A. Yes.

Q. Is there anything else, Mr. Secretary, that you think of in connection with the explanation of the law or statistics or anything of that kind, as to its operation? A. Why, I would rather have you ask questions; I am rather familiar with the law; we have made it an issue in Wisconsin. We believe it is a very desirable law in many particulars. It is not perfect; you will never perfect a law that will be, as you are perfectly aware, particularly as to members of the Legislature. But on this one subject, there is probably as much agitation to-day, and rightfully so, as on any other one.

Q. On this one subject? A. On this one subject of nomination.

Q. There is still agitation in this State? A. No, not as against the law; I mean in perfecting the law, that is.

Q. The agitation has more particular reference to amendments and so forth? A. To amendments and strengthening it.

Q. Than to any abolition of it? A. Yes. There has been no measure introduced to repeal it in either House since the law was passed. We believe it works very satisfactorily. As I say the one question which has not been reached is that question of expenditures and that is the only bill that has been defeated, that has been introduced; and that was considered at the time the law was originally drafted.

By Senator MEADE:

Q. Permit me to ask you a little more in regard to the proposed law in regard to sending pamphlets to each voter in the State; each candidate for office was permitted to publish in the pamphlet whatever he may see — ? A. If it is not libelous or objectionable. That is passed upon by the Secretary of State; such as their photographs and announcements; publishes his picture; if he chooses; and the limitation in Oregon, I believe, is four pages; that was the form here; they file — this law — this bill was not the same as the Oregon law. It provides under this payment by the candidate for each page not more than a certain

percentage upon the expenditure of the candidate for all purposes. It then permits, in addition to that for public halls, meetings, and such other methods of exploiting himself as he chooses.

Q. The Secretary of State is the sole judge as to what shall be published then? A. Well, I don't know that the statute really puts it that way. The question — I don't think that they ever — if a man is made liable under the law, especially for libel, he is more careful. The law is a little more stringent than the primary law; publishing misrepresentations is a misdemeanor, when it is found it is a misdemeanor, with penalty; if fixed by the primary law, I doubt very much whether any such a thing was contemplated by the Legislature in passing the law when this was —

By Senator MEADE:

Q. So, then, if a particular thing was close to the line, it is sent to you to decide? A. That is not the law to-day, no; that was the suggestion. I don't know, of course, that the Secretary of State is a party, made a party to it. I don't think to hold for the libel. (Laughter.)

Q. No; but it is the law? A. In Oregon.

Q. That you are to determine? A. No, I suggest that the Secretary of State would probably have to determine that; I don't think that the statute specifically decides that in Oregon.

By Assemblyman PHILLIPS:

Q. You have not that statute here? A. No; that was the bill that was proposed. We had two bills proposed; one is a bill as an adjunct to that; this brought again the question of the corrupt practices act, so as to require the publication of all sums of money at the time within forty-eight hours after the expenditure and the receipts to be filed in public places in towns, and in all the county clerk's offices, and also in the Secretary of State's office.

By Judge KNAPP:

Q. You say there was some agitation with reference to the second choice feature of the primary law; has there been a bill

introduced? A. Several times; we had that matter in mind, as I said before, the bill was originally drafted but for fear that it might result in the defeat of the bill, and therefore, we eliminated it.

Q. Is that because some objection has been raised to the plurality idea of nomination? A. Well, it was the thought that it would prove that the choice of the voter and reach a majority decision better through a second choice. Of course, the suggestion has been made that, as you gentlemen are familiar with it, you ought not to have a plurality nomination, which occurs under the primary law, as it is at present; but the objection is practically made in every convention; in every convention, maybe with some of the officers in every convention; that is, that the original first choice of the delegates is not the choice as worked out. We have an exhibition of that in the election of the Supreme Court judge that occurred in Chicago, occurred in Illinois, yesterday, where there were two hundred ballots and nine candidates for superintendent of parkway.

Q. Your justices of the Supreme Court, and the attending officials are nominated on the primary? A. Elected at the primary. They are elected with nomination papers, and, I think, under the primary, and it is a spring election; it is the same, practically the same. Yes; it is here.

Judge KNAPP: Are there any other questions as to this law.

By Senator MEADE:

Q. Just one question: Is there any required percentage under this law that a candidate must receive of the vote in order to be nominated? A. That is under this last law of 1909; that requires him to have his name presented on the ticket and he must have together with all candidates running for the same office, at least 20 per cent.

Q. That is the only one? A. That is the only one.

Q. In some states they require 30 to 35 per cent? A. No, no limitation of that character at all.

By Assemblyman PHILLIPS:

Q. For instance, if there was another candidate for Governor

and a man received 10 per cent. of the vote cast, he might be nominated? A. Yes, sir.

Q. That is, that would be a plurality? A. Yes; that is, you mean he might be nominated provided all the candidates received —

Q. Received the 20 per cent.? A. Received the 20 per cent.; yes, yes.

Q. Although he received but 10 per cent. of the vote cast? A. Although he received but 10. Of course, I would be glad to have you inquire as to the workings of the law in Wisconsin; we've never had anything in question as to particular cases. Now, in answer to that it might be said we've never had to exceed two or three cases for Governor; we've never had since the primary election law has been in force; the highest number of candidates that have run for State office that I can recollect, since the primary was four for State Treasurer, at one time. It was claimed when the primary law was adopted in Wisconsin it would result in a multiplicity of candidates; that hasn't proven to be true so far as our experience goes.

By Judge KNAPP:

Q. Has there been any attempt at the selection of those candidates for State offices by political committees or political organizations, or any partisan organization? A. The Democratic party in 1905 held a convention for the purpose of making or presenting — we will say presenting a ticket, and that ticket was, I think, without exception, carried through at the succeeding primary. They were — the delegates who were selected at that convention were rather informally selected, as I happen to know, in many cases, and it resolved itself into sort of a mass convention. That is the only case where there has been anything that has been acknowledged as being a convention called by any effort proper and consolidated.

Q. Concerted action? A. Concerted action. Now there have been cases at all times, and there always will be, of friends of candidates to select their friends for particular offices; that is entirely in an independent way; nothing that could approach what you suggest, except in that one case that I have named.

Q. Is there anything to prevent a political party from proceeding to elect delegates to a State convention and there holding a conference of delegates? A. That is what the Democratic party did, and there was no — there is no objection. However, this was realized as a logical result that it was in opposition to the principles expressed in the primary election; the people regarded it as an infringement of their rights to cast their votes direct and untrammelled. The result is that it is a dangerous proceeding, extremely dangerous.

Q. It would be for a party to attempt to — A. For any party or any class of men to attempt it. That is because there is a feeling of resentment grows with it while the election law is in force.

By Assemblyman PHILLIPS:

Q. Well, don't you think, Mr. Secretary, that that will be the ultimate result if the direct primary plan is permanently adopted, that it will ultimately lead to party factions doing that same thing and having preliminary conferences or conventions which now extend to the party convention? A. We have no evidence of it in Wisconsin. Of course, we haven't had it a sufficient length of time. That would be the conjecture, of course; there is nothing to indicate it with us. We have in Wisconsin, like every other State surrounding us, factions and issues that are presented between the different elements of the party. I was going to say, but there has been no attempt thus far of providing for it, the old convention, excepting that one case of the Democratic party, and that was in 1905. In 1907 they did not attempt it. I think the reason was that they held the convention as I now recollect it, in which they asked for certain principles. But they did not make any nominations in 1907. The experience of the two years before has been disastrous. At least, so they considered it, as I understood their disposition not to make nominations.

By Senator MEADE:

Q. Mr. Secretary, what is your judgment as to the quality, ability and efficiency of public officials, comparatively, as secured under the two different systems? A. That is a question, of course, that is always put to candidates; that would be a very embarrass-

ing situation for one who is nominated and elected under the primary election.

Q. Well, still I mean — A. To express an opinion; but I will say this: I was nominated in five different conventions under the old system, two conventions by one majority; and I speak of the experience that way, and had also some experience in larger fields of State conventions before the primary law was in force. I don't know that it makes any difference with the character of the men that you get, excepting in this, every man nominated under the primary realizes, selfishly, if no more, that he is responsible to the people from whom he gets his strength; he must be nominated by the people. For that reason he seeks to fill the office as best he can, and usually has some policy in carrying on the work of the office and improving it, if possible. In that way — and then beyond that he is not responsible to any individual; one individual has but little more authority in the State or power in the State, than another, excepting as he may have some machinery for bringing out the nomination paper of that candidate. In that way he is responsible directly to the people; I think it has the effect of causing men to be circumspect when they are filling public office, more than under the old plan; the people who are chosen by this plan by the people you have to have — an exposition is made of your acts because anything in this — by your opponents for the purpose of securing the nomination; so that in that way I think that the primary election law causes men to exercise a greater care in meeting the conditions of their office.

Q. What is your experience as to whether or not men of force, men of experience, men of character and men of attainments will seek the nomination under the present system? A. Why, I am inclined to think there is no difference. I say that after a knowledge of both systems and a personal acquaintance with affairs which caused the selection under the old form as well as under the new. Your candidates are not personal self-seekers, necessarily. The friends of candidates are the ones, as we have frequent evidence, are the ones who ask people to present themselves, to allow themselves to run as candidates. That was precisely the same as under the old system. In fact, there was as much self-seeking

under the old system, I am satisfied from my own experience, as there is under this. I speak now with full knowledge of the selections that were made for some of the higher offices in the years past.

Q. What is your judgment as to the comparative expense as to candidates? A. The comparative — it is more expensive for a candidate to-day. The most, of course, of the expense has to be borne by the candidate. There should be some limitation as to the expense; that is, some limitation as to the methods of the transfer of money rather than any arbitrary limitation as to the — as to that I don't know that they will really be objectionable, providing it can be enforced. I think you will find — I speak of the law of Oregon and also the bill proposed here; it extends to the — all the relatives and the partnerships, anything that has an interest; that reaches every one, I mean, that has any direct interest or close relation to the candidate, preventing them from making any contribution in excess of the amount as fixed by statute.

By Senator MEADE:

Q. From your observation of the law what would you say as to the percentage that is required by your law to be secured upon petitions is little enough? A. Why, I should fear, because the only objection that was urged to placing it at that figure was that it would result in a multiplicity of candidates. That has not been the experience. And it is sufficiently large to require the person — for instance, 1 per cent. means 2,500 or 3,000 names for the Republican candidate for a State office that he has to procure; he has to secure a list in so many counties of the State, and it results in a petition practically being circulated in all the different counties for each official. I will state in connection with that that the question of fees has, of course, in Minnesota, been presented; the question of the constitutional right of the State to demand of candidates that they pay money for the purpose of allowing their names to run. And it was with that thing in mind and for that reason the petition form was adopted as more acceptable; that is one of the arguments used.

Q. You have not known of any instance where by reason of

the small number of petitioners candidates have been able to secure a sufficient number to entitle them to become candidates, who had no material strength, for the purpose of being induced to withdraw? A. No, I don't know of any such occurrence; that is, not in a large way; that is, not in the State; that is, not any important candidacy.

Q. In minor offices that might occur, if anywhere? A. In a minor office it might occur. I don't think, though, that the percentage would occur, as you will find through members in convention can secure a candidate to withdraw by means of nomination, in my own view, not by any manner of means; I don't think the percentage is as large, and I suppose we are very familiar with the convention method and what is adopted in general in order to secure a nomination. Mr. Seilheimer spoke to me the other day about one feature of it that occurred to him as being important and really the foundation of the primary election law principle. His suggestion was that what was the advantage of the primary in my judgment over the other system, and I think it is this: Really every one forms a binding judgment the more it occurs here — (your nominee, as was suggested by Mr. Knapp this morning) — rather, your delegates are selected for the purpose of securing the nomination of a particular candidate; as he said he would not want a delegation chosen unless he was a selected loyal man, which was true under the convention system. That results in a State campaign, and even in a county campaign, in having a number of candidates, with a number of delegates selected who are largely there for the purpose of endorsing, we will say, or crying up their candidates, unless there is some large issue, where the candidates are generally selected for a purpose, for one purpose. The result of that is that people, for instance, in Buffalo, who were engaged in securing delegates for the candidate would see the men from Buffalo have no fights in the selection of their candidates on a straight ticket in whom they may be interested, or where there may be a State issue. Those delegates are there for the purpose, if they are loyal, for the purpose of securing the nomination of their candidate — and as we well know in the celebrated 309 vote; they are guided by his friends — take

the Illinois vote election as announced in this morning's paper, after two hundred ballots, they stood there by their candidates and finally selected a dark horse. It was a pretty sudden change of vote. This is impossible under the primary because here every man has a right to vote for every officer.

By Assemblyman HOWARD:

Q. The suggestion contained in the paper may not be correct?

A. Entirely so. I presume that the count is going on there with two factions, and bitter factions, and the State necessarily is injured by it, but according to the report that they make of the contest, we have known in Wisconsin no more bitter and no more strong than you have in other states to-day, and for myself I doubt very much whether they are really as strenuous as we have in adjoining states, say Iowa and Illinois. We've never had the conditions existing in Wisconsin in either branch of the Legislature that they have had in Illinois, and the fights have been no more bitter and not nearly as bitter as they have been between Yates and Jenner, because those have been local. In Wisconsin it has been rather a question of issues resulting out of the primary.

By Judge KNAPP:

Q. You haven't had any controversies here that have descended to personalities to any extent for minor offices or State offices?

A. No. Not to any very great extent. I think the question of personalities has been largely eliminated here in Wisconsin, but we had that under the convention system, largely at least in recent years. There has been personal friction, very bitter, sometimes as we all find in politics, but it has not reached personalities as a rule.

Q. Does that bitterness survive the primary to any extent, so as to affect the election? A. Not more so, I don't believe as much, as where opposite delegations are not satisfied, or where disappointed people go out of a convention feeling that they have been tricked or cheated out of a position which belonged to them originally. I don't think that the feeling, in other words, is as serious under the primary as under the convention system.

By Senator MEADE:

Q. How do you distribute the offices throughout the State so as to balance the ticket and bring the greatest strength to the whole ticket? A. There is no system and no effort toward that; that is a question, of course, under the convention system; the geographical distribution is very important. In the present offices, for instance — I take them by way of illustration, the present State officials they are selected, all of them, with the exception of Mr. — the Attorney General — from small towns. Some of them — the Attorney General comes from Madison. He is the only one that represents a large town; most of them are west at this time, or from the western part of the State. I don't know that there is a single representative from the eastern part unless it is the Lieutenant Governor, who comes from the city of Nuna, a small city. That brings me to the suggestion which Mr. Conklin from New York asked, if the large cities would not monopolize the nominations. It has not been our experience here anyway. Milwaukee has had no candidate except in the one case that I remember and he was not chosen although he received a large vote in his home town. While there is some advantage in being in a large city there is also the feeling which comes as you have it in New York city, the feelings which come there between the country and the city. Then you have a number of candidates and frequently friction with the large cities. In our results the effect has been here to show that it had no power, the locality.

By Judge KNAPP:

Q. Just as a matter of record, what is the population of Milwaukee? A. 300,000 a little while ago.

Q. State four or five in number of the cities? A. The next would be Superior, and from that I believe La Crosse and Eau Claire; none of those cities have candidates to-day.

Q. They do run upwards of 100,000 people? A. Superior runs in the neighborhood of 35,000 or 40,000. Madison is one of the — would be probably the third or fourth city. This has the Attorney General and the former Attorney General, but I do not believe it was at all due to the location. The geographical question has not entered into the matter — does not enter into it; I mean into the contests for positions and for office.

By Assemblyman HOWARD:

Q. The population of those cities combined in the State would not make more than half the population of the State? A. No, I believe not that proportion.

Q. You have not a condition where more than half the population of eight millions are in one city? A. No, no, not the situation you have in New York which, of course, I can't give you any judgment on excepting in this; human nature is the same the world over. The possibility of candidates arising in the city, more than one where there is no prohibition, comes in just the same as it would in other places, also the city, the State at large, which is largely antagonistic in county candidates or frequently, so that again sometimes offsets any advantage which may be supposed from the unanimous strength of the city.

By Assemblyman PHILLIPS:

Q. But wouldn't he also have the disadvantage in the respect of concentrating the vote of your rural districts or his political vote in your outside districts on one man as against the city man, because of such a large territory and a large number of good sized cities like Albany, Buffalo, Syracuse and Rochester? A. Yes, that would be true if your nominations are to be selected from personal reasons alone. In Wisconsin we have not had that contest because in nearly every nomination which is made in recent years we have some question at issue between us — it is usually between the Democratic and Republican party, and also between the factions of the same party. That is some issue of some particular law that is favored by one element and opposed by another, and that, of course, tends to bring in the people from all parts of the State that favor the passage of the law. On the other hand it causes the opposition to concentrate in the same way. That takes that out to quite an extent, the personal fight as to candidates may be.

Q. Well, you take, for instance, in the Congressional district or a Senatorial district which is comprised of several rural towns and a large center of population, do you think there is the same opportunity under the direct primary system to have your candidates selected from the distinctive rural districts as under the convention system? A. Of course, that would depend; there are so

many elements that would enter into that; that is, you get the question of the popularity of the individual man, his acquaintance, and then, more important than all, there is the question of the issue, the question for which they are standing; if, for instance, take the tariff question, is not in his individual discretion, and though not an issue with reference — is very practical, an issue that would affect Congressmen and, of course, it would seem to me a question of geographical location would not enter into it, particularly, under the primary. I haven't observed that it has in Wisconsin. Of course, we haven't quite the same situation.

Q. I was thinking of a Senatorial district where there might not be any great issue and in a county where they have county officers. For instance, I refer to a county which is a distinctly rural county and which has not a city in it. We have twenty-nine towns — A. Yes.

Q. Of course, when we make up a county ticket it is generally — A. Geographically distributed.

Q. Geographically distributed. Now I say you wouldn't want it so as to have all the offices in a large village? A. Yes.

Q. And I wouldn't say that that would be for the best interests of the county. Now, under the direct primary plan it would be possible for about five villages or five county towns which have the largest villages to absolutely control every nomination? A. Now I live in a county practically the same, consisting of about thirty-three precincts, with two or three cities in it; there is only one candidate or one county officer in the county, and they have been selected under the primary — one county officer in the county, and they have been selected — the August primary was in this situation. These two suggestions are carried out — now it was not a question there of the rural district's candidate, at least it was a question rather of the personality of the men in these cases, and a question of whether they were able and capable men, I mean desirable men to fill the positions. I can only speak from experience, I think, that it really gives us a better primary than the —

Q. Well, what do you say as to this statement which has been made, that it is almost impossible they say for a poor man to become a candidate under your direct primary plan? A. Well, that

is a statement that is not borne out by the facts. There is not a State officer to-day unless, possibly, the Lieutenant Governor, who would be known as a man of means. I say that — (I do not like to have a record made of that) — but I think that the facts will be borne out that not a candidate or not a present State officer is a man of any particular means, that is, they are either lawyers who have engaged in ordinary practice, all men of modest means compared with many men who have filled the official places.

Q. Do you think a man with a good fat pocketbook would have any advantage under this system over his opponent, both of them, we will say — A. Of equal ability.

Q. Merit and ability? A. And standing for the same thing, I would say that the man with the money would have an advantage, but we have that so rarely and there are so many elements that enter besides, in seeking the nomination, as you know, the cause a change and because one man may have a smooth — Mr. McGregor, who was one of the candidates for the United States senatorship at the last election, was opposed to three men; there were four candidates; the other three —

Q. For United States senatorship? A. For United States senatorship; and the other three men were men of considerable wealth; that, I think, was true, and Mr. McGregor spent a small amount of money, comparatively, and yet he made a good showing; he was, I think, third, and very close to second.

Mr. LUSH: Yes; but there were inner relations shaping up that had an effect on that and many different things.

The WITNESS: That is what I say, these other elements enter in it.

Mr. LUSH: He spent \$10,000? A. Yes; he spent \$10,000, and the others spent all the way from — in the neighborhood of forty.

By Assemblyman PHILLIPS:

Q. I guess we have had rather conflicting statements as to the vast sums that were spent by your successful candidates? A. He spent \$107,000, according to the statement filed in the office.

Q. To get the consideration of the people, so to speak? A. Well, to get the nomination.

Mr. LUSH: He got 33 per cent. of the Republican vote at the nomination.

The WITNESS: Now, of course, while that was a very large sum of money, it was no larger than has been spent by many other candidates under the convention system.

By Senator MEADE:

Q. Was there an investigation of that condition? A. Yes.

Q. What did the facts reveal? A. Well, that would be a question that I wouldn't like to be called on as an expert. I will give you about five or six pages of testimony there and allow you to form your own judgment. (Laughter.)

By Judge KNAPP:

Q. What is the normal Republican majority in the State? A. Oh, well, now, the normal — in recent years it has been about 80,000; I say eighty to ninety. For instance, the Governor, the last time was elected by 78,000, and the other candidates, many of them ran very close to it.

Q. Do these primary elections tend to excite a good deal of interest in the personnel of candidates? A. They do, more than under the other system, because the candidate is obliged, either by correspondence or by some other method, of advertising himself; that is, by letters or by personally visiting the people, to let them know who he is.

By Senator MEADE:

Q. Gives the newspapers some, do they? A. Yes; not to a very large extent, excepting in the case of these — in the senatorial fight, of course, dependent upon the extent —

By Judge KNAPP:

Q. Is the canvass conducted for some considerable time? A. Generally — well, that varies; of course, sometimes communities — for instance, that is, Mr. —, a stranger I didn't know, came out as a candidate within just the space of thirty hours from the time to file nomination papers, and he was the successful nominee.

Q. Would you think it would be a good thing for the people

to have such a campaign conducted every year in this State? A. I believe it is more desirable — if you speak of general principles — to have these elections, practically for a longer time than that — if you speak of that.

Q. No. A. Because, I think, on general principles, even though it is as large a State as New York, unless it should be — it is necessary to perform your business to have it conducted on —

By Senator MEADE:

Q. You believe in lengthening the campaigns instead of decreasing them? A. Well, that is a general statement; if you —

Q. Well, it is a general proposition, whether or not you believe? A. In lessening the number.

By Judge KNAPP:

Q. The number? A. My idea is that the less number of sessions of the Legislature, the less number of times that you have public excitement, have people stirred up, that they might operate for the best interests of the State. Of course, on the other hand, you have the counter condition that sometimes it is not — it is not wise to let the public relapse and have them lose sight of public officers.

Q. Now, what I want to get at is this, the primary elections excites the interest of the people and the personnel of the candidates? A. And the questions at issue.

Q. Under the primary election do the people lose any interest apparently, in the election that is to follow? A. I should not say that unless it may be to the extent of where it is a foregone conclusion as to what the result may be; they may not where the nomination, in other words, practically is the election, why, in that case, they may not appear at the election; the percentage they have there is very nearly the usual percentage, is practically the usual vote that we had before.

Q. Did you give us the percentage of the vote at the election, the voters that vote at the election? A. Yes, sir.

Q. What was that vote? A. It was 93 per cent. of the voters at the election that was held in 1906; 65 per cent. in 1908, when there was no opposition to a Republican candidate.

Q. Sixty-five in 1908? A. Yes; there was no opposition at that time.

Q. And there was a contest in 1908? A. Contest in 1908. Yes, I believe that the four candidates for United States senator in 1908 received more, considerably more, than the candidates for Governor, because there was quite a contest on for that office; that might give you a little better insight, I think.

Mr. LUSH: Of the number of Democrats and Republicans that voted? A. Yes.

By Judge KNAPP:

Q. Do you also believe here in the referendum, so-called, and in the initiative and recall? A. No; that is not —, of course, that is not involved in this proposition, ordinarily. I believe that there are some features of it that are very valuable to the election. We have no such law in Wisconsin.

Q. You have nothing of that kind? A. No; in a way, of course, this gives you the recall of the officer immediately, providing that he fails to perform his duty, and he cannot be maintained in office by any organization as against the will of the people, if it is found that he has been recreant in any way to his promises.

By Senator MEADE:

Q. Don't they have that same chance at the election? A. Yes, they would have, but if they were independent officers — I think it was () who made the statement, or some one (no Tilden, of your own State — I've forgotten who the gentleman was) that said he didn't care who was proposed at the election, providing he had the making of the nomination. If you have candidates to nominate in favor of, or opposed to, some proposition, on either ticket, it materially — the voter loses interest; that is, it ceases to become an issue.

By Assemblyman PHILLIPS:

Q. It has been claimed by the advocates of the direct primary system that it destroys the power, or curtails the power, of the so-called party boss; what do you say upon that subject? A. It unquestionably curtails it to the extent that any man can become

a candidate, if it is ascertained that the man, as you say, the party boss is endeavoring to direct the nomination, influence the nomination that the people frequently, in the case of — that is, you must remember you are dealing with a large clientage now, and that is the effect of it sometimes, a reaction is sometimes of benefit to the government — that is not the system.

Q. Perhaps you've never had a party boss in the State of Wisconsin? A. Well, I will let the records speak for itself in regard to that. (Laughter.) I think the gentlemen are acquainted with the fact that Wisconsin —

Q. Whether his power had lessened or increased; that was the — A. Well, I should say it had decreased materially; that is, speaking now most particularly of the organizations, of ward men throughout the State, of men, in other words, who formerly had to do with the securing of voters for a caucus. There was one man or two or three men — as you presumably have had to do in New York, except that your primary may have lessened that — those were the fellows you always had to see; and always had to get out among them, under the old system, and you had to have their friendship if you expected to carry that caucus.

Q. I was not speaking so much of the ward boss as of the big State boss? A. I was giving, of course, a sample case of that; I was going to say the same thing would apply, that, of course, it would be the same things that would extend on a small scale would reach clear to the top.

By Senator MEADE:

Q. Has the majority of the Republican party increased or decreased in this State, under this system? A. Well, it had increased, but I don't know that it has increased — McKinley, under the primary law, McKinley had — it has been — of course, the vote lately has been a little less, because that was high —

By Assemblyman PHILLIPS:

Q. What was Taft's plurality in the State, last fall, about, approximately? A. Seventy or eighty thousand, in that neighborhood.

Q. And McKinley about the same? A. I think about the same.

Q. What effect has it had on the organization, do you think?

A. Well, we have a good organization.

Q. Has it destroyed it? A. No; we have a good strong — no, no; not at all. The question is whether it lessens it. It may, of course, have had issues in Wisconsin. We've rather thrashed the question of party organization out, which the Democratic party, for instance, has not had, has not presented, and the issue that has made it secondary, as opposed to the Republican party for a number of years. The primary election, for instance, has been in their platform, been taken out of the platform, and the result of that — I am speaking now in my opinion — the result of that has been that there has been no single issue presented by the Democratic party, or any great question. But they hold their primaries now to-day and vote seemingly — they have their party organization and they have their candidates, and they adopt their platform in the same way, and seem to vote as enthusiastically as under the old system so far as we know.

Q. It is claimed by some in those states where the direct nomination system prevails, that in many cases the campaign in the primary is so intense and animosities are aroused, so that the defeated man, defeated at the primaries, and his friends, become so bitter that they carry it out into the election and in many cases support the candidate of the opposite party, and to that extent it has a detrimental effect upon the dominant party organization?

A. I don't think the experience will show, as a rule, that it occurs any more frequently than under the old former disappointed candidate in convention.

By Mr. LUSH:

Q. May I ask you a question; were they only bitter in one party? A. That is true, too.

By Assemblyman PHILLIPS:

Q. Well, they are the bitterest, of course, in the dominant party, just as Mr. Frear says that the Democratic party, being the minority party, there is not the same interest in the primary nomination as there would be in the dominant party where the nomination is equivalent to an election. That, of course, must always

minority nomination unless he thinks there is a fair chance to win.

Mr. LUSH: The vote in this State has been under the convention system, when the candidate in the field votes at the convention it was not voting the primary.

The WITNESS: I personally know of more trouble resulting under the convention system in that particular illustration you gave than under the primary; that is, I know where the party organization which was supposed to be a strong band of Republican men, were engaged in sending out marked ballots, and did it openly, for the opposite party, under the convention system.

By Judge KNAPP:

Q. You think, then, it does not tend in any way to disintegrate the minority party? A. Why, I do not think that that has been the experience in Wisconsin; I can only judge by the returns here.

Q. What is the percentage of illiteracy in this State? A. I looked that up for you, Mr. Knapp. It is about — it runs all the way from 5 to 6 or 7 per cent.

Senator MEADE: We thank you very much, Mr. Secretary, for your efforts, and also for this room that we are using here.

Secretary FREAR: We thank you very much.

JOHN M. WHITEHEAD.

By Judge KNAPP:

Q. Senator Whitehead, will you give us your legal residence?

A. Janesville.

Q. You are a graduate of Yale? A. Yes.

Q. Are you a member of the State Senate of this State? A. Yes, sir.

Q. Your State Senate consists of how many members? A. Thirty-seven.

Q. And how many in the House? A. One hundred.

Q. What is the political complexion of the two Houses? A. In the Senate there are three or four Democrats; one session; one Socialist; I cannot qualify them much more closely than that, be-

cause there is one who sometimes votes — because they don't vote consistently on any question, particularly as Democrats. The old party lines have not been very closely drawn in the Senate at any time since I have been a member. When I came there in 1906, I think there were only four Democrats.

Q. I am speaking of party affiliations particularly; in the House; how are they divided? A. Well, I don't remember, I think there are from eighteen to nineteen Democrats in the House; I don't remember definitely.

Q. Has this comparative proportion of the members changed any since? A. Not materially in the Senate, though I think, in the House. The McKinley election was unprecedented here and the Republican majority in both Houses has been overwhelming since.

Q. How long have you been a member of the Senate? A. I was elected in 1906, re-elected three times since.

Q. And your term of office — has just begun last fall.

Q. And what is that? A. Four.

By Assemblyman PHILLIPS:

Q. Is that the term of Senator in this State? A. Four years; we have, you know, bi-ennial sessions.

By Judge KNAPP:

Q. And that of a member of the House is two years? A. Two years.

Q. What are the salaries here? A. Five hundred dollars and mileage coming and going once.

Q. A year? A. For two years.

Q. Two years for the House? A. Either House; biennial.

Q. Then the salary of a Senator for four years amounts to a thousand dollars. A. And two mileages.

Q. And of the Assembly is \$500 for two years. A. \$500 and mileage.

Q. And the session is how long? A. Well, pretty long; there is no limit on it.

Q. Extra pay for an extra session? A. Only mileage; one extra mileage.

during my service.

Q. Now I take it that you were a member of the Legislature at the time of the passage of this primary election law? A. Yes.

Q. In this State, and have been working under the law in your own locality and elsewhere in the State; will you state generally to the committee, Senator, what your observation has been, as to whether it has corrected the evils that had grown up under the delegate and convention system, whether it has improved political conditions, what good, if any, it has accomplished, what conditions, evils or defects there may be in it, if there are any? A. I think it has created a great deal of turmoil and political trouble without any material change in the personnel of public officers and has entailed upon candidates a great deal of personal inconvenience, and expense and annoyance that candidates didn't know anything about under the old system.

Q. Any other thing—state any observations that you may think proper to the Committee? A. I think it has a tendency to disrupt parties. The party leadership gives way to personal leadership, and cliques and cabals get in operation. I think it tends to take away the interest of the average citizen in political activity. I think it practically paralyzes the general political committee; in my county it is overwhelmingly Republican, and where we formerly had a strong central organization it is difficult, almost impossible, to maintain any effective party committee organization and difficult to get men to attend political meetings and under the methods of selecting committeemen at the primary it has been—it has gone largely by default, and the people have neglected to vote for committeemen, and have paid little or no attention to the matter. There is a lack of interest among people of intelligence, who formerly were interested in conventions and accustomed to attend conventions. There is nothing much for the average citizen to do. Now, when the primary election approaches the candidate organizes his own committee and his own campaign each one for himself, and he follows up the citizens in his own way and for his own purposes, and at the primary each one looks out for himself to get out the vote for

himself, as far as he can, and the average citizen is a mere on-looker. In general that is the effect of a primary as I see it.

Q. What is the nature of the discussion of the candidates; is it the discussion of principles of government and administration or does it partake of the nature of discussion of persons, their availability for particular places, during the primary? A. Well, the candidates cover the billboards with what they have done and what they claim to do and what they propose to do, and they fill space in the newspapers with their personal promulgations, and their agents slip around among the people and urge their nomination on any grounds that they think will win votes. The newspapers have practically become—the average newspapers have practically become—mere observers; the people do not know; they are at a loss to know, I think, or they do not know always whether what they read in the paper is a paid item or article or whether it is editorial comment; whether the newspaper is responsible for the statement or not. A good many newspapers have adopted a plan of putting at the head of a column “This is paid for,” that’s space paid for, and it is treated as advertising matter. The whole country is plastered over with posters and photographs and lithographs of all kinds of stuff printed, and which no one can check up and verify, and I don’t know as anybody is expected to. A member of the Legislature can go out and claim or get credit for all the legislation there has been enacted since his name has been on the roll as a reason why he should be returned to the Legislature; nobody knows whether the nominations are made correct or otherwise; nobody is responsible for the candidate, no party, and nobody but himself and his little clique.

Q. When you come to primary day how is the vote gotten out; is it a voluntary coming out of the people, or is there some effort by candidates to get the vote out? A. Well, so far as I have observed there is quite an effort to get the vote out.

Q. Do you have political committees and check lists and carriages, etc.? A. The candidates have their own workers and everything is on a commercial basis. The primary has developed a school of retainers or professional workers whom a candidate may retain in his service and employ during the campaign, and

business to scurry around and get the vote out.

Q. That, of course, is true at an election, at least in most places? A. I should say about the same method was more actively pursued at the general committee than by the party committee.

Q. What is your experience that many people will not have their names go into the polls unless they are particularly urged upon primary day or election day? A. I think that is true; I think the returns will show that the vote is not full.

By Senator MEADE:

Q. Do you think the vote will compare under the present system at the primaries with that under the former? A. Well, I think from my own observation in my county the last time we had caucuses, that I remember we had more Republican votes cast at the Republican caucus throughout the county — the caucuses were all held on the same afternoon — than were cast by the primaries at the first general primary that we had under the primary law. That is my recollection.

By Judge KNAPP:

Q. How has it been since that time? A. I have paid no special attention to check it. I think the primary vote has been lighter. The tendency is to have a lighter vote in my county. I confine my observations mainly to my own county.

By Assemblyman PHILLIPS:

Q. What is your county? A. Rock county.

Q. Any large city? A. Janesville and Beloit, each about 15,000. Rock county voted against the adoption of a primary law when it was proposed and submitted to the people on the referendum.

By Senator MEADE:

Q. What do you say, Senator as to whether or not under the primary system the office seeks the man as much as under the other? A. I think the man seeks the office. I think it is true in primary elections. He seeks it hard.

By Assemblyman PHILLIPS:

Q. Wouldn't the man with money have any advantage?

A. Manifestly have advantage.

Q. If he is a good talker with a loud voice would that give him — A. Of course, a voice would help a man; platform advantages help a man always, but men can go on with money and carry, with voice and platform gifts, and as we have seen here in this State, carry off the prizes.

By Senator MEADE:

Q. What do you say, Senator, as to the possibility of special interests, if they choose, controlling nominations, comparing one situation with another? A. My claim has always been that there was no scheme ever devised equal to the primary election for a railroad or any other great corporation having a large number of men, or for any organized, any existing organization of men. Success in the primary depends on organization.

Q. Can you specify along what lines? A. Well, suppose a railroad with their great bodies of men, organized as they are, start out to control the primaries. I don't see anything to equal the effort that they could make.

Q. You think they would have as much of a chance in the final result under the present primary system as they would under the convention system? A. More so, I think, because the success of the primary depends so much upon the minuteness of organization.

Q. You think they could buy up these workers and such as that, and control it in that way? A. Yes, and then they've got the organization; they've got these organizations of their own men, of their leaders, and those leaders can do the work, perhaps, voluntarily, that the worker would do for somebody else.

By Assemblyman CONKLIN:

Q. If there was such an elaborate method to secure the nomination, do you not think that under the present system that people would be as quick to resent it at the polls as they would under the old convention system; I mean at the general election?

in which people of course, at the general election following you might review something of that kind, but I am speaking now about the ability to carry the primary; that is what I understood the inquiry was about.

Q. They sometimes do review an improper nomination made at a convention? A. They do sometimes revoke it.

Q. At the general election. Well, do you think that under this direct primary system there is the same tendency to do that at the general election? A. No, I think not. I think the people in my locality are more indifferent to the nominations than they ever were under the old system.

Q. Now you have spoken about the demoralization of parties. Do you think there is a tendency to a general demoralization possibly, of both parties, and the division of them into factions that will ultimately become parties in the same sense that the Republicans and Democrats are parties to-day? A. I shouldn't expect great parties to grow up out of such factions as exist and as are fostered by the primary, but I would expect the old parties to find it more and more difficult to exist; that there would be more and more of the factional element and more and more of the personal intrigue.

Q. Well, may there not, as there are different elements in one party supporting one personality or another personality, may there not be an ultimate division of the people into two classes that would come under the description of political parties such as we know them to-day, the formation of new parties? A. I shouldn't think so. I think the tendency will be toward the cliques and intrigues and candidates and personal factions more and more. A great leader will gather around him a following and he will strive to hold it. A following that rallies around any one man is not a party; that is a personal following. Parties are united on principles and customs; the men in the party are accustomed to working together because of the similarity of their view. There is nothing to bring people together under the primary for an exchange of views. We still have the advantage in this State of the acquaintance that existed under the old days of the caucus and the convention. It is not so very far back. We have held but two general primaries. And there was a large acquaintance

formed in State conventions which still exists, but that is gradually passing away. The old place now where such acquaintances are formed at all and where there is any possibility of retaining them is here in the Legislature.

By Senator MEADE:

Q. Senator, you are no doubt familiar with conditions in New York city, with its vast population of 4,000,000 people? A. I know the vast population, and that's all I know about it.

Q. And the class of people congregated there from all points of the globe; what would you say as to the possibility of a primary system in a city of that class? A. I have no opinion to express; I should think, though, from what I read and know in a general way, that a mass of voters that is accustomed to voting en masse would be manipulated by the managers of the particular candidate at the primary, and very largely according to the strength of the organization which the managers could provide in support of their particular candidate.

By Assemblyman CONKLIN:

Q. Does race and creed and color have anything to do with it? A. I think we have seen some manifestations of race classification; I don't know as we have of creed classification, in this State; I don't know as there is any more race classification, perhaps, than there was under the old convention system. Though I should think the appeal to a race would be more directly made by a candidate who stood alone as the representative of that race than under the convention system.

Q. What have you to say, Senator, on the system under your law of voting whereby any man can vote any party ticket? A. Well, the primary is an election and a man is entitled to a secret ballot, and I don't know how you are going to change that system of holding an election and give a man a secret ballot.

Q. Do you believe that a Democrat ought to have anything to say in the selection of a Republican candidate for office? A. No, I do not commend that, but I say if you are going to have an election I don't know how you are going to adopt a system that practically makes it an open ballot, and makes a man declare how

nothing more and nothing less; it is held under our constitutional safeguards, the same as every other election is held.

By Assemblyman CONKLIN:

Q. Ought not the secrecy to pertain to the selection of candidates rather than as to the party affiliations of the one who does the selecting? A. It ought to be very different; I will agree with you on that, but when this law was proposed by the Assembly and this matter of open ballot and declaring party preference was all threshed out in the House, the Committee of which the Secretary of State is a member — I think he was the chairman — and they laid aside all other systems and adopted this because they thought this the one that they would have to adopt in order to stand up before the courts.

By Assemblyman PHILLIPS:

Q. Well, don't you think that better results would be obtained under your primary law if you had a party enrollment? A. I see no difference; I, of course, believe in party government. I say the man who is unwilling to declare or affiliate with any political party, ought to take no part in the making of nominations with that party? A. Well, I don't disagree with you on that. I think the parties ought to be kept apart and be allowed to keep apart, but the difficulty is, under the system that they have adopted here, I don't see how you are going to make this so as to have —

Q. Now, supposing you were at a party enrollment where a year in advance a man declares in what party he enrolls, at least he would have to make some public declaration as to whether he was a Republican, or Democrat, a Prohibitionist, or a Socialist; in that way he would be furnished his own party — A. I don't believe that you can pass a law that will classify a man in any particular class for a time or period without endangering his right of citizenship.

Q. Well, for the purpose of the primary? A. I don't care for what purpose; if the law is going to take charge of the nomination of officers, absolute charge of it, then the rights of citizenship are not safeguarded the same as they are in any election.

Q. Then, if that would be left to the party manager do you think it might, instead of regulating it by law — A. I think the State has undertaken too much in undertaking to regulate the internal affairs of political parties and I do not believe in the law — it will get defeated in the long run. I think the whole theory is wrong.

By Judge KNAPP:

Q. Has there ever been any agitation here looking towards tickets for the primary on which the candidates of all parties are placed in one column, so that it simply amounts to a process of elimination, taking the two highest for instance to become candidates at the election, substantially what is known as the Des Moines plan? A. It would be difficult for me to tell you what had not been discussed in Wisconsin in the last ten years.

Mr. LUSH: There was a bill here though it was killed at the last session.

The WITNESS: I was just going to say that when this primary was submitted to the people at the election of 1903 its advocates claimed that it was nearly a perfect measure; and yet, no legislation before the Legislature since has been so manifold in all its provisions, so changed and amended as this identical primary election system. And I wish the gentlemen of this Committee would interest themselves to see the number of bills that have been proposed and brought since that session of the Legislature to amend it, and change it, and relieve that difficulty and change the other hardships and bring it into working condition.

Q. Well, sir, we would be very glad to get copies of those bills if it is possible? A. I think you will be able; we have indices here; I see some there (indicating) that will give you the table of the bills; I have not got myself any recollection of them. I dare say there were twenty-five bills last winter, or more than that, and the winter before, and at the special session of the Assembly in 1905 a number of bills. No law on the statute book is sought to be tinkered so much as this primary election law. It is artificial throughout from beginning to end, arbitrary in all its provisions; everything about it invented. All the experience

of the people in regard to the management of their parties was cast aside; and the whole law is constructed practically on a new basis, from top to bottom; and the result is that it falls first on one shoulder and then on the other, and one Legislature fixes one thing it supposes, and then the next Legislature fixes something else, or fixes the other thing over again.

Q. Well, do you think these bills are for the most part introduced in good faith for the purpose of correcting some evil that has grown up? A. Why, I suppose so.

Q. Under the law? A. The primary here has honest advocates. I impute no bad faith to any man on the primaries.

Q. Well, not because of anything of that kind, but simply whether or not they are intended to correct real evils or imaginary evils? A. I suppose they are; I assume they are.

Judge KNAPP: I have nothing further to ask.

By Assemblyman PHILLIPS:

Q. What do you say, Senator, under the direct primary plan in a senatorial or Congressional district containing rural communities and large centers of population as to the probability of distinctively rural communities obtaining candidates as easily under this system as under the convention system? A. Well, sir, any generalization would be hasty because we haven't proceeded far enough under this new system which we have here; all the men now in office were in office under the old system. We have scarcely changed a State officer or a Congressman.

Q. Is that so? A. Since the new system went into effect; and the man who is in under this system has a decided advantage over the man who is trying to get in. It was argued here among members of the Legislature in support of this that when a man was once in he would stay in. Men were assured that if they would vote for this bill; they were sure of having a system by which once in they always stay in.

Q. Provided that is any advantage? A. Yes, they have got the advantage, they've got the money, they've got some repute — so that there is no way for a new man to get in. Every convention under the old system develops some new material in the party. Some new men came into prominence and were talked about.

Under this system there is nothing at all to bring out any new material.

Q. Have there been any changes in the nomination of Congressmen since the adoption of this system? A. Yes, in the third district Congressman Babcock was defeated and then Congressman Murphy has succeeded Babcock and was defeated, and Congressman Jenkins was defeated last year, and there has been one or two changes in this district.

Q. No, but Congressman Babcock was renominated, was he not, under the primary system? A. Yes, in my district; in most of the districts there have been no changes.

By Judge KNAPP:

Q. Now what was the special reason of that, Mr. Phillips, to secure the renomination — Congressman Babcock was renominated? A. Yes.

Q. And was defeated at the polls, was he? A. Yes.

Q. Was his defeat due to any bitterness that grew out of the primary? A. It was undoubtedly due to bitterness over the contest that was waged between Babcock and his opponents.

By Senator MEADE:

Q. Within their own party? A. Within their own party.

Senator MEADE: Anything further.

Judge KNAPP: Nothing further.

By Assemblyman HOWARD:

Q. Just one question, Senator. Senator, is there any opportunity in your judgment or the same opportunity under this system as under the convention system to plan the ticket geographically over the State? A. There is no opportunity at all.

Senator MEADE: Nothing further. Is there anything else you would like to say, Senator? A. Except to answer any questions of you gentlemen.

By Assemblyman PHILLIPS:

Q. You wouldn't say, then, that there has been any distinct or material change or improvement in the class of officers who

have been chosen under the direct primary system as compared with the convention and delegate system? A. No material change, except those who succeed now, under the primary, are subjected to greater humiliations.

Q. Yes, and greater expense? A. And greater expense, yes, the candidates are being subjected to.

By Senator MEADE:

Q. Are they any more liable to approach by the fellow who is always looking for a hand out of one dollar or two dollars or more? A. Well, the tendency is that you cannot get any political work done except at so much a day, or so much as stated compensation; that is the tendency. It is not so in all cases, nor with all candidates, nor in all circumstances, but that is the tendency.

Q. Is it a fact that this system produces as much of that as it did under the old system, that is, the two different systems? A. I think it is a rapidly developing tendency. I think it is just beginning to manifest itself.

Senator MEADE: Anything else.

The WITNESS: I have no volunteer testimony to offer. I am ready to answer any questions that I can.

Senator MEADE: Well, we are very grateful to you for what you have done for us and the trouble you have taken to come here and help us.

CHARLES J. LUSH.

By Judge KNAPP:

Q. Mr. Lush, where do you reside? A. Madison.

Q. How long have you been a resident of this city? A. Oh, seven or eight years.

Q. Do you hold any official position or political position? A. No, I do not.

Q. Have you ever had? A. Yes; I have been chief clerk of the Secretary of State's office here for four years.

Q. That is an appointive office? A. I am a newspaper man. That has been my business; worked with the *Chicago Record* seventeen years.

Q. Have you observed the conditions arising under the working of the direct primaries in this State? A. Well, I suppose so; as much as most people.

Q. Has your attention been called directly to the question of nominations by pluralities? A. Well, I will tell you, it is pretty hard to take this thing and answer it piecemeal by answering questions.

Q. Yes; I thought, perhaps, we could get your view in this form more easily.

Senator MEADE: We want you to go ahead with your statement; we want to get your statement at length.

The WITNESS: Now you are here to investigate how things have been going in Wisconsin and in other states. Now, a good many topics have been touched here, for instance, on the conduct of the primary. Well, now, I claim the primary must act just the same as the convention does; it is a change in method. The only objection is that a good deal of it has been secretly manipulated. Groups of men control just the same; always will. Now, coming to the second choice, the primary is a convention in effect. You had a convention of men and abolished the middleman, known as the delegate. The delegate, who is the middleman, met near primary time and he went into a hall. Now, we have abolished the middleman and we all get together into a hall. So in effect the primary is a convention. The basic fact about it is that it is a convention that takes one ballot and adjourns. Now, nine-tenths of these complaints, and your kick at the primary, is the fact that it disrupts the party, for the reason that it does not enable the party to select the candidate that represents the majority of the party. Now, under the single vote proposition, which is the primary, under this act you have these people — you've got in — say there are — just the same as the convention had — one hundred free silver Republicans and a hundred gold Republicans. Well, they would have one ballot and the free silver people would get more on the first ballot than any one of the other candidates got — why, that is not disrupting the party for the simple reason that you have not selected the fellow that is right — not at all. Now, in this primary, you have the same thing. Meet, have one ballot and adjourn. Your second choice is not complicated. People say it is complicated. It is not complicated to the voter, but

it is mighty complicated to the politician, or to us when we sit down and say — and get that psychological course as to how they are going to get it, but we are going to get that which is best, and we are going to get it.

By Senator MEADE:

Q. Have you some scheme providing that? A. We have seen the thing as worked in North Dakota, fifteen or ten years. The people say that is no proof it will work here. Some plan that worked in Oregon for five years, but that is no sign that it will work in North Dakota.

By Judge KNAPP:

Q. Well, because of your interest in that particular feature of the primary bill that you assisted in the preparation of, that was introduced last May — A. The second choice was recommended by Governor La Follette six years ago in his message. I think he recommended the second choice. The matter came up in the Legislature — of course, in getting together we view it from all standpoints — we view it from the politician — from the standpoint of the voter who is going to get something, and then when it got into the Legislature we view the second choice and all of the things from the standpoint of the receiver. Consequently it is very hard to change a bill of that kind.

By Senator MEADE:

Q. Well, you did appear before such a committee? A. Well, I tried to write — I wrote a pamphlet on the thing finally, after the thing was agitated, and I will give you copies.

Q. We would like to have it, Mr. Lush, if we can get it.

By Judge KNAPP:

Q. Well, I will ask you if this bill, introduced by the Committee on Elections, No. 583, May 12, 1909, is the bill that was proposed last year to modify the Election Law, the Primary Law, so as to have a second choice? A. Yes; that is the second choice that was passed by the Senate and proposes the ballot and proposes the method of counting.

Q. And do you approve of that bill, Mr. Lush? A. Well, now, I don't advocate it. I think the convention system was the system and I think it was the abuse of the convention system that we tried to do away with; the second choice is as far back of the convention as you can go.

By Judge KNAPP:

Q. What I want to get is whether you approve, assuming that the Primary Law is the law of the State here, you approve an amendment of that character to the Primary Law? A. Yes.

Q. If the Primary Law is to be continued? A. Yes, I approve of it, all I wanted to approve of it, on the ground that it don't amend all of it, but rather a part, and it didn't amend all, that is it is amending some other thing.

Q. Intended to amend some other things, is that your opinion? A. Let the thing stand on its own basis. Now, I wrote a pamphlet on the second choice and I said this: "Written with the end in view of enlightening some hazy exponents of the second choice amendment and allaying the fears of those who 'view with alarm'."

Q. Under this second choice proposition have you actually secured a nomination by a majority of those participating? A. You won't always get a mathematical majority, because a man might vote for two losers. The proposition of the second choice is simply this, so far as the voter is concerned: John Smith comes to me and says, "What is this second choice;" I say, "Who do you want for mayor." "Well, I want Jones for mayor." "Well, if Jones can't get it who do you want." "Well, if Jones can't get it I want Smith." "Well, then," I say, "you vote your first choice, Jones, and your second choice, Smith." "Well," he says, "suppose Smith's vote is against Jones." I say, "They can't; they can't get Smith's vote until Jones' is counted." "Well, then," he says, "I want it counted, then." The process of the second choice is just exactly the same as that you had in the convention. The rule of the convention is this: The convention of chosen delegates would cast its first ballot. The secretary then got up and read a list of candidates and he said: "A. B. Smith got ninety-eight votes." The low man is, under the rules of the convention,

defeated. "All those who voted for Smith on the first ballot, will, as their names are called, indicate their second choice." And by that same process carried out you would eventually get the name that represented, perhaps, not the individual, but it would represent the dominant faction of the party. Now, under the system of the present Primary Law — now, I have always been a minority man, and so assume my just share of responsibility in a small way for this centralized Primary Law of our State, as it would be now — except that I think that the thing is a fool proposition because it is an absurdity to have a nomination nominate by a plurality; because a convention is the getting together lots of other individuals — as, for instance, the Republican party wants to have a Gold Republican in the field, and don't want to have a Silver Republican.

By Senator MEADE:

Q. Do you know of any way that the convention system could be safeguarded so as to accomplish the desired result? A. Now, I'll give you my opinion as far as that goes.

Q. Surely; that is all. A. In my opinion, in the convention system, if we elected the delegates at the primary to the convention, would safeguard it largely. Our defect was that we had two removes there; we elected our delegates at an election or primary that way, and they elected another delegate that went to the convention; if it were all in that convention he would follow his home people. If you elected your delegate at the primary then he goes from his district and when he comes home he has got to explain why he shifted, etc.; but under our system, the old convention plan, you have got a second remove. That is to say, they are elected by the county convention, and they go up there and are elected; they don't act upon it; these men have said to him "Who is to be the delegate?" and they said, "That fellow, Jones." Jones comes back and he is not responsible to anybody.

By Assemblyman HOWARD:

Q. Would you have, then, your party caucus, primary, elect primary delegates to all of the conventions? A. It would be moved back; he would be the second choice; he would be the second choice, because — now, in Mississippi, they have the primary; and they

AFTERNOON SESSION.

CHARLES J. LUSH, recalled.

Senator MEADE: Proceed gentlemen, when you are ready.

Judge KNAPP: Perhaps Mr. Lush has something in his mind, something he wants to continue on? A. Well, it is on that second choice; I would like to take that pamphlet and put it in the record.

Judge KNAPP: We have it put in the record.

The WITNESS: Not the pamphlet, but the bill.

Judge KNAPP: The pamphlet and the bill, too.

Senator MEADE: They are both received.

The WITNESS: Now you are trying to ascertain, as I understand, how the primary works?

Q. Exactly? A. In this State, or in any other State. Now in the case of the primary as to how you are going to work. It works — and we have to work it, too. Now the present condition — we will take the present conditions in this State. There is to be an election of Governor; that is at the end of every September. Now there have got to be candidates, and in this — now the chances are that the issue in this State will be over the service of water powers in this State. Now one faction will favor letting the franchises to private individuals and another faction will favor not doing it and retaining it for the State. Now there will be one candidate in the field representing the element that wants to continue to give the franchises. Now there will be three or four candidates ready to get in the field to represent the other faction. Now I ask you as men interested in and knowing something of politics, what would you do? You can't let those four fellows run. If you let the four run why then the other fellow is going to be the nominee of the party, although the chances are that it will allow him to have a majority of the Republican party, a good substantial number —

By Assemblyman PHILLIPS:

Q. That's what we want to find out from you as an observer of the operation of this law, how you would eliminate and con-

concentrate your — eliminate those candidates and concentrate your vote upon one man? A. Replying — it has been done and it will be done. There will be certain gentlemen of the — I do not care to use their names — will be candidates. Well, you must have candidates. Fellows will come in and they will come down town with you and sit down, and they will commence to talk it over, and there will have to be a sub rosa convention. There will be party manipulation underneath.

By Judge KNAPP:

Q. When you say you will have that, has there been in the past; is that the experience heretofore? A. Tried to, yes; got to; that is what is going to happen. If you don't you are going to have four candidates in the field representing or standing for the protection of the water powers of the State; that may be two-thirds of the party. If you don't why you are going to have one other candidate who claims that the State has no rights in the water powers, and then you are going to have the man whose name is first on the ballot in the primary, and he is going to be the nominee; he is going to be ahead on that, if the other four candidates are in the field. Now, under this primary law, this second choice now that I have talked about, under the second choice, one candidate — four, at least, everybody has a chance to get the nomination, which individual it will be nobody can tell. Then you wouldn't have to eliminate him; then you would say, "Well, I am going to run;" "Well, you will interfere;" "No, I won't; a man votes for me; if I am not the nominee, I may allow a man here if I think he is right, one of the other fellows; I can favor them."

By Assemblyman HOWARD:

Q. Let me ask you, under that condition that you have described if you lessen the candidates of the majority faction to two here, the man who gets the smallest number would be eliminated, would he not? A. Yes.

Q. Wouldn't it be possible under those circumstances, even with the elimination system, to nominate a man who represented a third party. A. No, not, because — I don't think it would; I don't see how.

By Assemblyman PHILLIPS:

Q. If you got the largest number of votes — you would have a certain — have the nominee receive a certain per cent. of the vote before he could be nominated? A. It is pretty hard, as I say, to explain, for instance, without mathematics, get the thing defined, without putting something down in figures. It is pretty hard to answer the question that way and explain it. You can very easily explain it by taking the figures and putting it down in print. The process of the second choice is a deduction of ballots until there is only two left.

By Senator MEADE:

Q. That is a picture showing something of that (indicating in pamphlet)? A. Yes, it is a diagram.

Judge KNAPP: That explains it very clearly.

Senator MEADE: Don't spend any more time on that.

The WITNESS: It is deducting the ballots on that until there is only two leaders. It won't run up the candidates to double the number; that sifts out, because a man may have voted for two losers; it simply sifts everything down and I say prevents the lower man — it will always be in favor of the majority faction. Under our present law now when you have four candidates, you can put four of them in the field, a majority man running in the field, and the candidate represents a minority of the party.

By Judge KNAPP:

Q. Will you state to the Committee as concisely as you can, Mr. Lush, what advantages you think, if any, the present system, the primary system, has over the delegate and convention system, as it was in force here when it was abolished? A. The delegate system as a system was all right; it was the abuse of the system; it had grown into a condition here where a few people manipulated and controlled the thing. It was little groups, and nobody attended the caucuses; they elected the people from the chief State officers down, and they got the conventions, and when they didn't get the offices they selected why sometimes they got them if they got either, they got some of them. That has all been threshed out here and there have been no personalities.

By Assemblyman PHILLIPS:

Q. Wouldn't it have been possible to reform those evils by legislation without destroying the system? A. Well, I don't know.

By Judge KNAPP:

Q. By amendment and throwing substantial safeguards around?

A. I will say what I think —

Q. — delegate and caucus, delegate and convention system?

A. That is around the other?

Senator MEADE: Go on, Mr. Lush, and make your explanation.

A. I will tell you what I think what it was going to do. To abolish the convention system in its entirety is not going to do away with the abuses. I think the primary takes the place of the convention, doesn't it? Consequently it is in effect a convention.

By Judge KNAPP:

Q. It is the machinery that nominates candidates as a convention was before? A. Well, in effect it is a convention.

Q. How much better is it than the other; in what respect that is, that you claim? A. That is a broad question; how are you going to define that?

By Assemblyman PHILLIPS:

Q. Now, what has it done; has it resulted in better government in the State of Wisconsin or a higher class of officials?

A. Well, when we won under it. We have never won under it. The people that got up the primary have been beaten ever since we got the primary. (Laughter.) We could win here under the convention system; after we got the primary why we have been beaten.

By Senator MEADE:

Q. You mean to say that you have not been able to accomplish the reforms under the direct primary system? A. I don't think we have. I don't think the legislative record shows that. Do you think we have, Mr. Comptroller?

Mr. COMPTROLLER: Well, we had practically all of our primary reform laws secured at that time, in 1907.

The WITNESS: That is what I mean.

Mr. COMPTROLLER: 1905 we had the primary; our first primary was 1907; while we have had the public statutes the law was passed then, being attributed to the primary law. We have had State laws passed at that time in regard to this law.

The WITNESS: It has all been effected, all the conditions that grow out of it, all through the change of the primary; we never had any contest on the primary; it has all been effected more or less by conditions.

By Assemblyman PHILLIPS:

Q. Well, what do you say about a State-wide primary as compared with a conventions system? Would you retain the delegate and convention system for State officers and confine your direct nominations to smaller political subdivisions? A. I believe that the practical way, and a good way to do would be to elect at the primary, which would apply to members of Assembly and to such State Senatorial districts; elect them as they are elected now under the primary; that is, the second choice; I would put that in, and then I would elect delegates to a State convention at the same time.

Q. For what purpose? A. To nominate State officers.

By Judge KNAPP:

Q. The same process, you mean, at the primary? A. Yes, elect a delegate; we would select a delegate, at first, a little caucus and then a little convention, and then another convention; that is all unchanged; sent down to the State convention, sent in from the caucuses and the constituencies, all of those delegates; so that you could see that that would not be such a radical departure in New York. You do that in your cities, don't you, now?

By Assemblyman PHILLIPS:

Q. Yes, well — they are not chosen directly to the State convention; they are chosen — A. No, I don't mean to the State convention, but I mean —

Q. Elect Assembly delegates to the Assembly district conventions to choose delegates — A. Well, now your cities elect to a

convention of the Assembly — you elect delegates to that State convention.

Judge KNAPP: And for the State convention we have delegates' conventions.

Senator MEADE: Well, is there anything further, Judge, that occurs to you? A. No, I don't know of anything.

By Assemblyman PHILLIPS:

Q. What do you say, Mr. Lush, as to whether or not the direct nomination system curtails the power of the so-called party boss, as the result of your observations of its operation in the State of Wisconsin? A. Under the present primary law it becomes the duty of the boss or the leader of his party to protect the majority faction of that party, because in protecting the majority faction he is protecting the party. Now, it becomes important for him to manipulate and seek these other candidates out, and only have one candidate in a way to bring that party out, assuming the voter has now the opportunity, it is a manifest duty almost; otherwise he will let your party go and throw out the majority.

Q. Suppose, now, he is a wise leader, instead of a wicked party boss, as under the old system? A. He becomes a laudable boss.

By Senator MEADE:

Q. Well, would you — A. He has done it.

Q. Have you anything to suggest as to how that can be corrected? A. Well, I think the difficulty is corrected by — I don't think it is necessary to eliminate the man because I think when a man comes — well, say here we have got four candidates in the field, and you merely happen to get one of those four; that corrects it automatically.

Senator MEADE: Well, if there is nothing further we will excuse Mr. Lush, with the thanks of the Committee for your time and trouble.

Mr. LUSH: I am much obliged to you.

Judge KNAPP: Maybe something a little later.

J. A. AYLWARD:

By Judge KNAPP:

Q. Mr. Aylward, your residence is where? A. Madison, Wisconsin.

Q. What is your occupation? A. I am an attorney.

Q. Have you had any political experience as a member of the Legislature or any other political preferment? A. No; it has been rather in attempts than in success. I am a Democrat. (Laughter.)

Q. You have been a candidate for office? A. Yes, sir.

Q. Am I correct in stating that you were a candidate for Governor last year? A. I was a candidate for Governor a year ago and also three years ago.

Q. By that do you mean the nominee of your party? A. Yes, sir.

Q. You were nominated at the primaries, were you, for that office? A. Yes, sir.

Q. Was there a contest so far as the nomination was concerned? A. Yes, sir.

Q. A spirited contest throughout the State? A. All I wanted.

Q. Well, by that do you mean that it was as spirited as you would have it? A. Yes; there was an active canvass by the candidates throughout the State.

Q. So that you have had a practical experience as a participant? A. Yes, sir.

Q. In the primary system in this State? Were you in the State when the delegate and convention system was in vogue? A. Yes, sir.

Q. Will you state to the Committee, please, what your observations and experience has been as to the working, the practical working of this law in this State, whether it has developed any defects and how you would eliminate them; whether it has shown any benefits over the old system? A. Why, I have had some experience under the old system. I was a candidate also for Congress in this district under the old system and also a candidate for district attorney. But, as a whole, I think the present system is superior, I think, far superior, to the old system. I do not think the new system is perfect by any means; I think it is a very im-

perfect piece of legislation. But, as Secretary Frear said this morning, it was the result of compromises, in a good many respects, and not what its authors wished. And in practice it is very far from perfect and yet I think it is far superior to the old system; the objections, Mr. Frear said — well, I might say that when the bill was first proposed the Democratic party in convention condemned the law as it was submitted to the people for ratification. We thought we saw imperfections in it and we thought it were better to abide by the old than to adopt the plan proposed. But it was ratified by the people and we have given it our hearty support, and have sought to perfect the law. I think the trouble has been, as suggested a short time ago, that the party in power has not sought to perfect the law in the proper spirit. I do not think they have sought to perfect the law from a broad view, but it has always been from the present selfish view as to what was the most beneficial to the party making the improvement and not from what was best for the law as a whole. We objected to the law first, because, as suggested this morning, it did away with a convention, and since the law has been in force the Democrats always held a State platform convention, not making nominations, or suggesting nominations, but a convention elected in the old way for the purpose of preparing a State platform. That gave us all the advantages derived from the gathering of party men from all parts of the State and party acquaintanceship and opportunities for new men to develop themselves and every advantage that grew from the old convention without the disadvantages. Men won't pack caucuses and they won't buy delegates and they won't resort to all manner of unfair means, simply for the purpose of preparing a platform. You get the best men from all over the State and you have them assembled for the best of purposes; and we have drawn our platforms and then, complying with the law, the candidates' convention has always ratified our platforms. We object to the law, too, because its tendency is to destroy the minority party, and that has been its effect in this State. Senator LaFollette's wing of the party, what they call, with all due respect, the Halfbreeds in the State, have always drawn quite largely from the Democratic party at their primaries; and if you get men interested in the primary and they leave their own party to go into that primary to help make nominations, why they will follow you even

into election, and it is destructive to the minority party for that reason. The minority party being in the minority, contests for the nomination are not strong and it is hard to hold your party men in line. And it leaves them the prey then of the opposing parties in the dominant party. That has been markedly so in this State. I do not agree with Senator Whitehead that a primary is an election. It is not an election and has none of the attributes of an election. An election is for the purpose of selecting State and county officers. A primary is simply for the purpose of electing a party leader. Any man attending an election who would be a Democrat has no more right in the Republican primary than he would have to go to the election of some directors of some bank, some corporation in which he had no stock; he would have no business there. And I think that the law should be amended so that it would compel each party to stay in its own primary. I drew a law with that thought in mind the second last session of the Legislature, following the Oregon law in that respect; after a man had voted the election official called upon him to state his political associations, or preferment, rather. That was made a record of. And then thirty days before the next primary any one who had not voted or who had not expressed his preference could go before the election officers and register his preference. Then on the primary day John Doe came into the booth and the record was examined and if found that he expressed a preference as a Democrat he would be handed a Democratic ballot. The next man, Richard Roe, the record being examined and found that he had expressed a preference as a Republican, he would be handed a Republican primary ballot and he couldn't vote anything else. Well, that bill went to the committee on elections in the Assembly; Mr. Roycroft was chairman. He said the committee didn't want to report the bill because the Halfbreed members of the committee had had Democratic support and that they expected it in the future, and they didn't want anything of that kind; and he said the Stewart members thought it was put there so as to give the Democrats help, and they didn't want to support it. (Laughter.) So between the two of them it died. Well, that is the situation in this State. They are killing the minority party. We can scarcely maintain our organization, when both factions of the Republican

party are drawing and pulling and trying to get us to their caucus. That was demonstrated here in the nomination of the Assembly in this capital district a year ago. There were opposing candidates — and one candidate said he cared for the Halfbreeds or Stalwarts; that the Democrats nominate him, and they did nominate him; the Republican candidate in the capital district was nominated by Democrats. That ought to be corrected. Now, a bill was introduced for that purpose in the last session and it was killed for the same reason by the — each one thinks he can get most out of the Democratic voters. They had passed a law which will probably kill the Democratic party in the State, go a long way to it, which provides that no person can be a candidate of any party on the ticket unless he gets 20 per cent. of the vote of his party at the election. Well, that is a very difficult thing to do.

Mr. LUSH: He doesn't have to get that, does he?

The WITNESS: Yes.

By Assemblyman PHILLIPS:

Q. All the men, all the candidates, for that particular election together must get 20 per cent.? A. Yes.

Q. So if there were two candidates for Governor, for instance? A. They got —

Q. The two of them must receive 20 per cent.? A. Twenty per cent. Well, that is a pretty difficult thing to get. I think that is the chief objection to the working of the law at the present time. Another objection, as to the rotation of names, has been corrected. That was spoken of here this morning. I think the alphabetical arrangement of names upon the ticket gives the man at the head of the ticket a very decided advantage. I always felt that my name began with "A," and I felt that I had a very decided advantage from the fact that it did. That has been corrected. And I agree with Mr. Lush, I think, that the second choice is a desirable feature of the primary law. I think also the attempt of Iowa to regulate and control the use of money in the primary is a desirable thing. I think any man, I don't care who he is or what his record is, if he has got enough money he can carry the State either on the Democratic side or on the Republican side for a nomination.

any office in the State, under our old law; I don't care who he is or what he is.

By Judge KNAPP:

Q. Now, how would he use that money to get that nomination?

A. He can use it in a dozen different ways.

By Assemblyman PHILLIPS:

Q. Can he use it to the same advantage under your direct nominations law? A. Yes; that was demonstrated at our last election in the nomination of Senator Stevenson.

By Judge KNAPP:

Q. You think, then, that your party has been somewhat between the upper and nether millstones? A. Yes, sir, as I know.

Q. Now, you stated, Mr. Aylward, in general, that you regarded the present statute as superior to the former method of nominating candidates for office? A. Yes, sir.

Q. Do you refer to the former method as controlled by statute or to the practices that had grown up under that method? A. I refer to the nominating convention as conducted; there practically was no statutory control in this State.

Q. If you have a convention and delegate system and caucus system that is controlled by statute in some respects similar to the one which you had here, which will, by enrollment, prevent the participation of the members of one party in the caucus of another, and the convention controlled also by statute, the caucuses held upon the same day to select delegates for that purpose, how, then, would you compare this delegate and convention system — the method of securing nominees — with the present law as it is in force in this State? A. Why, I still would think the primary law was the preferable, I think.

Q. Do you mean this law or some ideal law? A. Well, the law as it has been amended, I think, would be preferable. I think the nearer you can get to the people the better it is for the people, and the further away you get from them, I think, the worse it is.

Q. Your judgment, then, goes to observation of the merits of the two systems? A. Yes; there isn't any question in this State, and I presume in other States, that the old conventions were not controlled by the best interests or the best motives; and it is a good deal easier to corrupt a convention than it is to corrupt a State.

Q. Well, had you experiences of corrupt conventions in this State that led to the enactment of this law at that time? A. It helped to do so, I think.

Q. You think there was a practice of that kind, to corrupt delegates? A. Why, yes.

Q. Of bribery or promises or something of that kind? A. With all things, all ways, in which conventions, men and conventions, are reached and interfered with.

Q. What do you say as to whether this system and the factional differences that have come upon the Republican party may or may not ultimately result in a definite division of the two factions into two separate parties, and the Democratic party be crushed between those two millstones? A. Well, that has not been the tendency. That has been our hope, but that has not been the result. They fight among themselves very bitterly, but on election day they forget all differences.

Q. Well, do they in congressional districts and in legislative districts and so forth? Is that bitterness sometimes carried through the election? A. Oh, very rarely. Not more common under the present system than under the old; very rarely after the nomination is there any substantial defection and the party lines broken.

Senator MEADE: Anything further?

The WITNESS: Nothing further from me if the Committee —

By Assemblyman PHILLIPS:

Q. Would you say that this direct primary system has to a certain extent curtailed the power of the so-called party boss? A. I think so. It is easier for a boss to control a convention than it is to control a State; that, I think, is the difference. And I think we have had — I won't say I think — we have had a good deal, a great deal, I will say, of excellent legislation in Wisconsin

in the last five or six years. Now, I do not say it is the result of the primary election law. As I said at dinner, I do not think the Legislatures, the last two Legislatures, will average as high in men of ability as former Legislatures; I do not think there was as much gray matter in the last two Legislatures, but I think our legislation has been infinitely better. I think the men who came here came with better influences back of them than they did before.

Q. And their talents, what they did possess, employed in the right direction? A. In the right direction, I think so. Our Legislatures were practically free from the influence of the lobby; and men, as a rule, have come here with the very cleanest and very best purposes, and we have had some excellent legislation in Wisconsin and it has resulted to the very great good of the people. Now, I am a Democrat and say that; and yet it is true.

By Assemblyman HOWARD:

Q. The legislation to which you refer has, in some instances, been the initiative legislation along those lines, and in some instances followed other states along the same lines, I assume? A. Yes; I think, rather, we have led more than we have followed, though.

Q. What is your judgment as to whether or not a better class of public servants and a better service was secured under our form of government when political parties are nearly evenly divided or when one is greatly in the majority? A. Oh, I don't think there is any question about that; it is when the parties are very nearly evenly divided.

Q. Then if the primary has the tendency to destroy the minority party, in that respect it would be weak, would it? A. I think so; I think that is the main weakness of our present primary in this State, because it tends very strongly to destroy the minority party. In many counties we cannot maintain an organization or get good candidates to stand for office for that reason.

By Judge KNAPP:

Q. One thing I wanted to ask, as to the declarations of your party in its platforms with reference to this particular act. Has it

advocated the passage of the act or denounced it regularly since its — A. The first convention we opposed the measure as proposed in our platform, opposed it on the stump; we thought its weaknesses were greater than its benefits. In the last platform a year ago, in the platform three years ago, we declared in favor of the primary, but with the amendments, in favor of the amendments that I have suggested here.

Q. Have you had any platform since the first in which you have opposed the primary? A. No, sir.

Q. You have had three since then? A. Yes, sir.

Q. One opposed and two for an amended primary? A. Yes, sir.

Judge KNAPP: I have nothing further.

Senator MEADE: We thank you very much, Mr. Aylward.

Professor ERNST C. MEYERS:

By Judge KNAPP:

Q. Professor, do you live in the city of Madison? A. Yes, sir.

Q. And your former home was where? A. Was in Wisconsin, in Milwaukee.

Q. And are you a member of the faculty of the Wisconsin University? A. Yes, sir.

Q. Connected with what department? A. Political science department.

Q. In that capacity have you given this subject of the nomination of candidates for office some study and had some observation of the effect and working of the Wisconsin law? A. I did most of my studying of the system about seven years ago when I published a work on nominating systems. And from 1902 on up to last January I have been away from this country so that I am not in close touch with all the inner movements of politics in this State.

Q. The publication you refer to was in 1902? A. Was in 1902, yes, sir. In 1908 I got out another in the German language, in Germany, and so I kept up my theoretical study of the question abroad; had the matter sent to me; of course that was unsatisfactory in many ways; but only to that extent have I kept in touch with the primary movement in the country.

Q. Have you copies of those publications which the Committee

could be furnished with or they could procure in some way?
 A. Well, I brought up a copy with me and am glad to present them to the Committee.

Q. Well, that is certainly —

Senator MEADE: If there is any expense, Mr. Meyers, we will be glad to bear it.

Professor MEYERS: None at all, sir, none at all.

Senator MEADE: We have money appropriated for that purpose.

Judge KNAPP: We certainly present our thanks to you for the books and appreciate them.

Q. Upon the general principle of direct nominations or nominations by representatives known as delegates, did you reach any conclusion in your books or after your study and reading? A. Yes, in 1902 I came out rather strongly in favor of direct nominations for all offices in the State, that was the State-wide primary. I did not see many possibilities for corruption which I see to-day after the law has been in use in our State and a good many of the other states and I have some reason to say that I should modify my views somewhat. I believe that, all in all, the direct primary is superior to the convention system, but we have all seen defects in it and I presume that only an incurable idealist would have expected a new system to operate without difficulties in some cases, cases of great importance, which in the eyes of many have proven the primary a failure.

Q. Is there any difference of opinion among men of your profession upon that subject?

By Senator MEADE:

Q. May I ask a question first? Would you not point out these defects and if possible, suggest to us remedies? A. Well, it is a large question; it is hard to tell where to begin. I do not know how far the concrete instances and operation of the law have been presented to this Committee. I was not present this morning. But I think the only way to really point out defects to advantage and give them any real value for the investigation of the Committee is to give concrete cases. Now I have put down some figures, they are not extensive at all; I am not going to burden the Committee

with a lot of figures, but I have put down some and if they are wanted, why I can give them and if I encroach upon any matter that has been given before, then I will be glad to stop.

Senator MEADE: We would like them.

Judge KNAPP: Proceed with them.

A. I think, probably, that whatever I can say on the question would be brought out best if you suggest some questions and I give some concrete cases and some comment. The first tests of the law was in 1905 in the State election. Now, referring to what we brought out then in some of the cities like Janesville, Burlington and Milwaukee, particularly Milwaukee. And in the first place it was discovered that a primary election may be a rather expensive affair in a city; the cost of a primary has run up to \$1.50 a vote and I believe that there is one place where it is estimated at \$2.00 a vote cast at the primary, in 1905; cost to the State, yes. The cost varied greatly. In Oshkosh it was but fifteen cents. And of course, it was in direct proportion to participation in the primary in this State and 75 per cent. of the total vote of the general election, I think, was cast in the primary. We have extreme cases and they are often quoted by opponents to the primary plan; for example in ——— I understand there was one precinct where seven men were paid \$2.50 each by the State, received just thirty-one votes. Now, we have extreme cases of that kind, which do not prove any rule, of course. We might, to oppose extreme instances of that kind, come back to the classical case mentioned by Price when he said in New York in a certain district in 1888, fifty voters chose 115 delegates, but this would not be typical of the operation of the convention system. Now in the fall primary of 1906 some 60 per cent. of the total party strength was represented. The Republican party, however, cast a vote of 93 per cent. of its full strength and the Democratic party a vote of about 20 per cent. of its strength in the general election and the Prohibition party a vote of 19 and a fraction and the Social Democrat about 10 and a fraction; that is what brought down the total vote cast in the primary to 64. In 1905 in the fall primary, the participation amounted to 45 and almost 46 per cent. (45.90) of the vote cast in the general election. The Republican party cast 65½ per cent. of its full strength in the general election and the Democratic

party 24.8; the Prohibition party 16.6; the Social Democratic party 14.2. Here again the Republican party was a test, the strongest test, casting the largest vote. Now, that will indicate in a general way the extent to which the people have participated in the direct primaries in this State in 1908. The conclusion could probably be drawn from these experiences that the participation has been larger, and in some cases considerably larger, than it was under the old caucus and convention system. I might say, by doing so, I answer in part the question that was asked of me before, that my studies of this question, of the experiences in other states, and the studies of other men in this field, whose writings I have read, have — I will not say almost without exception, but in a very, quite a number of cases, come to the same conclusion, that the participation of the people in the nominating act itself was far greater under the primary than under the convention system.

By Judge KNAPP:

Q. Just on that point, if there was the same activity at the caucus on the part of the candidates to get delegates out would it make any difference at the appearance of the caucus, the same activity that there is at the primary under the present system? A. Well, I should say that undoubtedly the attendance at our own State in the caucus would have been much greater if we had a campaign of the kind we have had here.

Q. The activity of the candidates to the offices themselves, the various candidates, has considerable to do with getting out this vote, doesn't it? A. There is no question about that.

Q. So that if it was left solely to the voluntary action of the voter the participation would probably not be so large? A. It would not; undoubtedly it would not be as large as it is at the present time.

Q. Inducements, advertising, and the excitement and speech-making and possibly some financial inducements bring out a large vote as a rule at most any election? A. Yes, I think there would be no question about that in my mind.

Q. Now, I did not mean to interrupt you, only just to say — to have that come in in that connection, if you have something else you were going to say? A. Well, I had a few words to say as to

the matter of minority nominations and remedies that were touched upon or to bring out here a few concrete facts, if you desired them.

Q. Certainly. A. Now, then, what we have had here, of the situation, is —

By Senator MEADE:

Q. We want all the information we can get. A. Now for the office of United States Senator in 1908 — last fall, we find that Mr. Stevenson received 31 per cent. of the party vote, and Cook 26.15 per cent. of the party vote, McGovern 23.30 and Haddon 19.44, and so on.

By Assemblyman PHILLIPS:

Q. Right there, can you give us the total vote cast at that primary for the candidates? A. I believe I can give you the vote cast for each individual candidate.

Q. Just give me that, will you please? A. Stevenson, 56,839; Cook, 47,944; McGovern, 42,631; Haddon, 35,621.

Q. Thank you. A. In case of the Democratic party Brown received 24,944 votes or 66½ per cent. of the party vote, and Hoyt 12,281, or 33½ per cent. of the party vote, so the Democrat was nominated by a considerable majority vote. The Social Democratic candidate polled practically the entire party vote, only twenty-three votes cast, I think 93.43 per cent. of the vote cast.

By Judge KNAPP:

Q. What was the Prohibition, have you it there? A. I haven't got that. Why, I haven't got all the material; I don't know whether the statistician has it in that form or not.

Q. We will be glad to have you state it just as you want to, Professor? A. In case of the vote of Milwaukee, in 1906 — and I confine myself to the Republican candidates. For the office of sheriff there were five candidates; the winner received 9,694 votes out of a total of 26,412, or about 27 per cent. of the party vote. For treasurer there were six candidates for office; the winner received 5,931 out of a total of 29,448, or about 23.3 of the party vote. For office clerk of the court there were three candidates;

the winner received 7,465 out of a total of 20,115, or about 37 per cent. of the total. And finally, for register of deeds there were three candidates and the winner had 8,388 votes, out of 22,963, or about 36 per cent. of the party vote. In no case then did any candidate get a majority of the party votes and in some cases there were as many as six candidates for an office. Now, in the case of the contest for State Senator, we find that in 1906 there were only two cases in all of the parties where there were more than two candidates, so we had a pretty nearly ideal condition for the operation of the direct primary. Those districts are the third and the twenty-third; there were three candidates for office in each of the districts and Bishop in the third got 40 per cent. of the total vote cast, and Beech in the twenty third, 41 per cent. of the total vote. The Congressional districts in 1906 showed that there was but one contest where there was more than two candidates for an office. That is in the fourth district where there were three candidates, and Carey received 42 per cent. of the total. Now, in the case of the State officers in 1906, the Secretary of State, Mr. Frear, received 36 per cent. of the total vote, three candidates in the field. Treasurer Doll received 29 per cent.; there were five candidates in the field. Attorney-General Gilbert, 51 per cent., with three candidates in the field. Here, then, we have one case of a majority nomination. Now, I have just no more figures. The Bureau of Statistics has some reports that you said you would obtain. They make a statement in there as to the results of their investigations which are, on the whole, favorable. The report of the bureau seems to indicate that in fifty-nine cases out of 100 the candidate was nominated by a majority of the total vote, which is a pretty good showing. I come to the conclusion that while minority nominations do occur, sometimes, extreme minority nominations, the total number of votes received by the winning candidate generally runs well up toward the 40 per cent., between 40 and 50 per cent. So that we have after all a reasonable percentage of the party standing by the winning candidate. We find that the provisions in the laws of the other states, in many cases, that 40 per cent. is a reasonable limit that a candidate obtains; 40 per cent. would be so considered, I may say, if the nomination is had by convention. In some cases the limit is 45 per cent., but on the average, I should

say that the direct primary has shown that that number is found pretty generally concentrated on the winning candidate. Now, the matter of expenditures has been gone into and will be gone into and you probably have the material.

Q. You mean by candidates? A. Yes, the actual expenses and the influence of contests and the influence it had upon the expenditure and the total vote cast.

Q. What do you say as to whether the total vote cast in the Senatorial election was increased materially by the expenditure of money, apparently, this last year? A. Why, I should say that is the case undoubtedly. The expenditure of money in large bodies when we find accounts rendered, represented advertising in newspapers and all of that would be, in fact, charge the office; I do not know how far the expenditure might have been applied in an indirect or a direct way in financially — in getting the voters to go to the polls. I think it was largely used indirectly.

By Senator MEADE:

Q. Necessary to provide money to pay that expense of candidates? A. Well, the facts indicate that politics is a bad business. I came to that conclusion when I studied them, that is, comparing the total expenditure with the salary of the office. In 1906 there were five candidates for State Treasurer and an expenditure of \$8,192.42 for the \$5,000 office. In 1900, when Doll was uncontested, the expense was about \$865.51. Now, you may say that we ought to remember that the expense of candidates under the delegate and convention system before have been very high but we have no records. We have a few records; I happen to have one here; I do not know where it was taken from, but I took it from an investigation by Mr. Lockner of this university, who made a special study of the question this year and I might state he is one of our strongest students, and I think he is very reliable in his work. He states that in 1902 and 1904, State Treasurer Camp — that was under the operation of the convention system — spent \$1,934 and \$1,870 in 1904.

Q. Was that to secure the nomination? A. I think so.

By Assemblyman PHILLIPS:

Q. That is, as against \$8,000 under the direct primary? A. For

the total five candidates; but that is higher, I believe, than the expenditure of any single candidate in 1906 under the direct primary; I wouldn't say about that.

Q. Have you got the expenditure of the successful candidate in your 1906 primary? A. I have not. I remember about what the expenditure was; it was slightly larger than that of the other four candidates. Of course, the figures are kept in some of the reports you can obtain here.

By Judge KNAPP:

Q. Did the law require the candidate under the old system to file any statement of expenditures to procure the nomination? A. Why, I don't — I cannot say as to that. I was rather surprised to find the statement.

Senator WHITEHEAD: Figures of 1899.

By Assemblyman PHILLIPS:

Q. Professor, I assume that your statement as to the expenditures under the present primary act were taken from the sworn statements? A. Yes.

By Assemblyman CONKLIN:

Q. And they have to do only with the expense of primary nominations and not with the expense of the general election in both cases? A. I think in the case of the contest for State Treasurer that is true, but I have another case here in the Fifth Congressional district which includes expenditures for the primary and general election; in some cases candidates reported expenditures only as a total for primary and general election. Now, we find, and it is a rather interesting case, I believe, and shows the possibility of expenditures under the direct primary. In 1906, in the Fifth Congressional district in the contest between Coachems and Stafford, the total expended by both candidates was \$3,738.43. In 1908 when the contest was sharper, the expenditure was \$5,927.26. That was in both the primary and the general election. Coachems, in each case, spent some \$2,000 and over. In 1908 we find Stafford for obtaining the nomination expending over \$1,000 in securing the election and there was a strong disaffection because

of the defeat of Coaches and they felt a good campaign was necessary to secure his election. In the case of county officers, the expenses were large, in some instances. We have the case of the sheriff, a total of \$6,967.58 being spent by seven candidates, five Republican, one Democratic and one Social Democratic. The salary of the office is \$5,000. And in 1908 with five candidates for the office, three Republican, one Democratic and one Social Democratic, they spent no less than \$9,386.26 in trying to get an office worth \$5,000.

By Assemblyman PHILLIPS:

Q. What was the successful candidate for that, that is, the successful candidate of the dominant party? A. I am sorry to say I did not put that down. The contest for district attorney in Milwaukee in 1906 and 1908, I think, is another good illustration. Mr. McGovern paid out \$15,574.85 and his opponent at a cost of \$15,252.73 was beaten, making the total \$30,828.58 to get the office.

By Assemblyman PHILLIPS:

Q. What is the salary of the office? A. District Attorney? Five thousand dollars.

By Assemblyman HOWARD:

Q. For how long a term? A. Two years.

Mr. LUSH: There was an issue involved, but that doesn't cover

By Assemblyman PHILLIPS:

Q. What it cost to get the consideration of the party on important occasions?

Senator MEADE: Go ahead, Mr. Meyer.

Professor MEYER: Well, the other case is sufficiently well known, if you desire the totals, too, in the United States Senatorship, where \$189,988.05 were spent according to the statements filed by the four candidates. I have the totals here for the different candidates.

By Assemblyman PHILLIPS:

Q. What was the successful candidate? A. \$107,797.

Q. That is over two dollars a vote for every vote he received? A. Yes.

Q. In the State of Wisconsin? A. Yes.

Mr. LUSH: It is more than that, it is five dollars a vote.

Assemblyman PHILLIPS: His total vote received was 56,839; that is about two dollars.

By Senator MEADE:

Q. Was there an investigation made of that, Mr. Meyer? A. Of the Stevenson —

Q. Of the Stevenson expenditure? A. Yes, sir.

Q. Do you know what the total, as revealed in the investigation, amounted to? A. I cannot say.

Senator WHITEHEAD: You can get that; it is printed.

Senator MEADE: Go ahead, Mr. Meyers.

The WITNESS: Now, from this illustration we see that the expenses for an office may be two or three times the salary; therefore, the question comes up, where the winning candidate pays more in cash, under the statement he files, than his salary, why is he going into the business of trying for office. He undoubtedly may be an honest man and is doing that for the honor of holding the office; but in some cases it is a very expensive matter, and I can conceive how a man who has not the money and must — has to get it, loan it — is put under obligations; can be in many different ways. So we have here a distinct difficulty in the operation of the direct primary. It is a rather expensive thing for any

candidate, good or bad. The question is here as to how we can remedy it. Now, I want to say this: That I believe that it would not be wise to attempt to limit the amount of expenditure, as has been suggested, to a certain percentage of the salary of the office nor to attempt to limit it by defining the items for which no expenditure may be incurred, but rather define the items for which a candidate may create expense. In other words, the specific items are attempted to be dealt with in a negative way, so that he cannot be — tell him what he may do, because the field is so unlimited that we are always sure to omit some opportunities which a candidate ought not to have. As soon as difficulties are found, I should say, in the operation of a law of that kind, a candidate could be given greater liberty in his expenses as to their conditions. I personally believe that perhaps that is going too far in speculation, but that is the tendency even at the present time. I think we may ultimately come to a state where the State itself will pay the expenditures of candidates for offices, as, I think, in Colorado. I think in Colorado the State has to contribute, I believe, 25 cents for every vote cast. I have not given that question study, but I have seen accounts of it. Now, years ago, when the question came up as to the payment of expense of the general election, it was considered absurd in many quarters among men of ability and men who did their own thinking to ask the State to pay that expense, and yet after the general elections have become quite

drifting into something of that sort, where at least a part of the expenses are now paid by the State and a part by the party and the candidate. All of this question of expenditure, I think, was brought out even here in the senatorial campaign. I believe that campaign was a great political education to the people of this State; that their attention was called to all the candidates as it had never been attracted before. They had a chance to think and reason for themselves, knowing they went into the primaries to vote directly for their candidate. When \$150,000, or was it \$189,000, is the total expense in the campaign, there must have been some result in the way of education of the people, and even though the money was used in many cases for purposes which we, in ordinary language, would call corrupt, and probably, to some extent, illegal. But I can see the sunny side to the whole question of expenditure, because of the popular agitation it all involves, and which we would not get in case of the caucus and convention system. Too many of the important acts in the process of nomination took place quietly among a narrow set of men, who may be doing the best that can be done, but the public in general does not know of that, does not hear of that, has no chance to form an opinion of what they do; and the result is that there is not the interest and understanding, so that —

By Assemblyman PHILLIPS:

Q. Of course, if that is true it would practically bar — that is, if a man has got to spend that much money for the sake of educating the citizenship of the political subdivision which represents the State, it will practically constitute office holding of wealthy men and bar out the poor man. A. To a certain extent, I think, that is true under the direct primary; the poor man is at a great disadvantage; there is no doubt about that. I say the question, of course, is how to remedy the situation; but I am just trying to point out that there are certain advantages to be obtained, even through the lavish expenditure of money for advertising. Then, too, I believe that our campaign has done a lot of good in raising the moral standard of the press in this State. In the first place, it has shown, to a certain extent, the venality of persons of the press. It has opened the minds of the people in general to the

nature of some of the press reports, and there is going to be a good deal more independent thinking done in this State; a certain distrust of journals; a certain skepticism, and all of that will ultimately work in favor of the press by, I might say, strengthening the moral fiber of the journalist. If he wants to retain his power and his influence he has got to raise his standard; and I believe that the power of the editorial writings in this State has tremendously decreased in the last year because of the revelations of the investigation of the Stevenson campaign. People are getting to be skeptical. I had an illustration of that only a few months ago, when I was out among the farmers and took occasion to ask about their point of view and their opinions on the campaign. Again and again I heard the remark, "Well, what the papers report of we can't always believe." And with that idea becoming general, I can readily see how the influence of the paper will keep on sinking; and in the end, I say, that must lead to reaction again in favor of a stronger and less corruptible press. I do not want to be misunderstood. I believe the average journalists are as fine a type of men as you can find anywhere, but human nature is human nature, and I think we all agree that under the direct primary they can be subjected to far greater temptations than such as ordinary men would necessarily; and there must be more instances of one who would succumb to it. Now, I have a word as to the breaking of party lines. Mr. Aylward spoke of that and mentioned the position of the minority party, which, I believe, is in part due to the fact—the constant breaking of party lines, the opportunity that the Democrat has, under our system, of going where he pleases. I have a few figures here on that point, as to what extent the Democrats have invaded the Republican ranks. If you want them I can give you those.

Senator MEADE: Yes, please.

Judge KNAPP: We would be glad to have it.

The WITNESS: Well, in 1906 we find that at the general election the total Republican vote was 58 per cent. of the total vote cast by all parties. Now, we may assume, then, in a general way, that 58 per cent. of the total vote of the electorate represented the strength of the Republican party. In the primary which preceded, the Republican party cast 82 per cent. of the total vote cast,

a difference of at least 24 per cent.; and reasoning then along general lines, we may say that 24 per cent. of the total vote cast in the primary represented men who bolted their own party and entered the ranks of the Republican party, or a total of about 49,522, about 50,000 voters. Now, there is a certain amount of modification would be necessary, but I won't go into that. I believe the large rule would hold. In 1908 we find that the total strength of the Republican party was again about 58 per cent. of the total vote cast in the State; that would go to confirm the statement that 58 per cent. represents just about what it did in 1906; that is, would represent the real strength of the Republican vote. But at the primary the total vote cast in the Republican party was 77 per cent. or a difference of 19 per cent.; in fact, the real strength of the party represents about 40,000 votes. We have a few concrete cases now; that of Coachmens and Stafford in the Fifth congressional district in 1908. We find the Democrats polled only 1,248 votes in the primary and no less than 8,656 in the general election. And the Social Democrats polled only 938 in the primary and 8,759 in the general election. It was understood, at that time, in the campaign that the Social Democrats and the Democrats entered the Republican ranks to a very large extent, and these figures would seem to bear it out. In the case of the McGovern contest in 1906 in Milwaukee, we find that at the primary election the Social Democratic candidate, Teall or Thiel, polled but a few votes; I haven't got the exact number, but a small number of votes. At the general election he polled 15,484 as against 15,508 for McGovern, or was the close candidate next to McGovern; whereas, in the primary he only received a few votes. It was understood that the Social Democratic vote and the Democratic vote assisted in the defeat of McGovern in the primary. He ran as an independent candidate, and of the nomination of Bodden. And in the case of the senatorial contest in 1908 we find that about 50,000 members of the Democratic party at the primary entered the Republican ranks; statistics can be taken from these results of the contests for the senatorial nomination. Now, we have our primary system, as you know, and the question has come up as to how to remedy the situation. It is one of the most serious problems, or, I should say, in some re-

spects, the most serious problem that we have to contend with under the direct primary — to keep the party intact and keep men out of a party when they are going in for some extraneous purpose and are not honestly affiliated with it. The attempts which have been made in other states, so far as I know from accounts, seem to have been, in larger or smaller part, a failure. I do not know that any system has yet been devised under which the Democrats have been absolutely kept out of the Republican ranks or Republicans kept out of the Democratic ranks if they wanted to get in.

By Assemblyman PHILLIPS:

Q. What is your idea of a party enrollment? A. That is probably the most effective solution we have, but there are a good many objections, since it makes a party organization a rather rigid one and does not give the voter a sufficient independence at the time of the primary, even though indirectly, in some of the states, at the general election. Of course, it all depends upon the system. I believe even at best the voter has not that amount of independence which is desirable, and yet I do not see how we can give it to him if we are to prevent the man who ought not to from breaking into the ranks of the opposite party. I have given the matter some thought this last year and have a plan which, I think, might solve the problem. I believe that at first sight it may seem radical, but I believe that it may ultimately come to something of the sort, to something that would keep the party organization intact and at the same time overcoming the difficulties we now have of tremendous expenses, of long campaigns — the primary campaigns and campaigns for the election following are really two campaigns — and the simplifying of the entire election machinery. This scheme was not thought of in haste; I've talked it over with a number of people who are interested. But I rather broach the subject here to-day with diffidence, because I know you are busy and you want to use your time investigating the caucus and primary system and convention system as we have them, and not to speculate.

By Senator MEADE:

Q. One of our main purposes, Mr. Meyer, is to secure suggestions and improvements or amendments. So that is right in line with our work. A. Well, I will try to state my views in a few words and point out the nature of it. Probably I ought to have made a picture of the ballot to indicate more clearly, but I think —

By Assemblyman HOWARD:

Q. Might it not be possible for you in your leisure time to write that out and mail it to the Committee, so that we can have it?

A. Yes.

Judge KNAPP: Perhaps in a general way, Mr. Chairman. He might do it in a general way and then more specifically in a paper.

The WITNESS: I would be glad to do it.

Senator MEADE: All right.

The WITNESS: I have been trying to work it up and write it up, but I can't find proper time.

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